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Presidential Documents

Title 3—

The President

Executive Order 14006 of January 26, 2021

Reforming Our Incarceration System To Eliminate the Use of Privately Operated Criminal Detention Facilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Policy.* More than two million people are currently incarcerated in the United States, including a disproportionate number of people of color. There is broad consensus that our current system of mass incarceration imposes significant costs and hardships on our society and communities and does not make us safer. To decrease incarceration levels, we must reduce profit-based incentives to incarcerate by phasing out the Federal Government's reliance on privately operated criminal detention facilities.

We must ensure that our Nation's incarceration and correctional systems are prioritizing rehabilitation and redemption. Incarcerated individuals should be given a fair chance to fully reintegrate into their communities, including by participating in programming tailored to earning a good living, securing affordable housing, and participating in our democracy as our fellow citizens. However, privately operated criminal detention facilities consistently underperform Federal facilities with respect to correctional services, programs, and resources. We should ensure that time in prison prepares individuals for the next chapter of their lives.

The Federal Government also has a responsibility to ensure the safe and humane treatment of those in the Federal criminal justice system. However, as the Department of Justice's Office of Inspector General found in 2016, privately operated criminal detention facilities do not maintain the same levels of safety and security for people in the Federal criminal justice system or for correctional staff. We have a duty to provide these individuals with safe working and living conditions.

Sec. 2. *Contracts with Privately Operated Criminal Detention Facilities.* The Attorney General shall not renew Department of Justice contracts with privately operated criminal detention facilities, as consistent with applicable law.

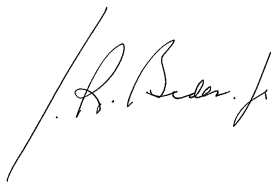
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
January 26, 2021.

[FR Doc. 2021–02070
Filed 1–28–21; 8:45 am]
Billing code 3295–F1–P

Presidential Documents

Memorandum of January 26, 2021

Condemning and Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders in the United States

Memorandum for the Heads of Executive Departments and Agencies

Advancing inclusion and belonging for people of all races, national origins, and ethnicities is critical to guaranteeing the safety and security of the American people. During the coronavirus disease 2019 (COVID–19) pandemic, inflammatory and xenophobic rhetoric has put Asian American and Pacific Islander (AAPI) persons, families, communities, and businesses at risk.

The Federal Government must recognize that it has played a role in furthering these xenophobic sentiments through the actions of political leaders, including references to the COVID–19 pandemic by the geographic location of its origin. Such statements have stoked unfounded fears and perpetuated stigma about Asian Americans and Pacific Islanders and have contributed to increasing rates of bullying, harassment, and hate crimes against AAPI persons. These actions defied the best practices and guidelines of public health officials and have caused significant harm to AAPI families and communities that must be addressed.

Despite these increasing acts of intolerance, Asian Americans and Pacific Islanders have made our Nation more secure during the COVID–19 pandemic and throughout our history. An estimated 2 million Asian Americans and Pacific Islanders have served on the front lines of this crisis as healthcare providers, as first responders, and in other essential roles. The Federal Government should combat racism, xenophobia, and intolerance against Asian Americans and Pacific Islanders and should work to ensure that all members of AAPI communities—no matter their background, the language they speak, or their religious beliefs—are treated with dignity and equity.

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Condemning Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders.* The Federal Government has a responsibility to prevent racism, xenophobia, and intolerance against everyone in America, including Asian Americans and Pacific Islanders. My Administration condemns and denounces acts of racism, xenophobia, and intolerance against AAPI communities.

Sec. 2. *Combating Racism, Xenophobia, and Intolerance Against Asian Americans and Pacific Islanders.* (a) The Secretary of Health and Human Services shall, in coordination with the COVID–19 Health Equity Task Force, consider issuing guidance describing best practices for advancing cultural competency, language access, and sensitivity towards Asian Americans and Pacific Islanders in the context of the Federal Government's COVID–19 response. In developing any such guidance, the Secretary should consider the best practices set forth by public health organizations and experts for mitigating racially discriminatory language in describing the COVID–19 pandemic.

(b) Executive departments and agencies (agencies) shall take all appropriate steps to ensure that official actions, documents, and statements, including those that pertain to the COVID–19 pandemic, do not exhibit or contribute

to racism, xenophobia, and intolerance against Asian Americans and Pacific Islanders. Agencies may consult with public health experts, AAPI community leaders, or AAPI community-serving organizations, or may refer to any best practices issued pursuant to subsection (a) of this section, to ensure an understanding of the needs and challenges faced by AAPI communities.

(c) The Attorney General shall explore opportunities to support, consistent with applicable law, the efforts of State and local agencies, as well as AAPI communities and community-based organizations, to prevent discrimination, bullying, harassment, and hate crimes against AAPI individuals, and to expand collection of data and public reporting regarding hate incidents against such individuals.

Sec. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

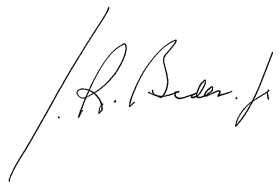
(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) Independent agencies are strongly encouraged to comply with the provisions of this memorandum.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Secretary of Health and Human Services is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, January 26, 2021

[FR Doc. 2021–02073
Filed 1–28–21; 8:45 am]
Billing code 4150–42–P

Presidential Documents

Memorandum of January 26, 2021

Redressing Our Nation's and the Federal Government's History of Discriminatory Housing Practices and Policies

Memorandum for the Secretary of Housing and Urban Development

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. *Background and Policy.* Diverse and inclusive communities strengthen our democracy. But our Nation's history has been one of great struggle toward this ideal. During the 20th century, Federal, State, and local governments systematically implemented racially discriminatory housing policies that contributed to segregated neighborhoods and inhibited equal opportunity and the chance to build wealth for Black, Latino, Asian American and Pacific Islander, and Native American families, and other underserved communities. Ongoing legacies of residential segregation and discrimination remain ever-present in our society. These include a racial gap in homeownership; a persistent undervaluation of properties owned by families of color; a disproportionate burden of pollution and exposure to the impacts of climate change in communities of color; and systemic barriers to safe, accessible, and affordable housing for people of color, immigrants, individuals with disabilities, and lesbian, gay, bisexual, transgender, gender non-conforming, and queer (LGBTQ+) individuals.

Throughout much of the 20th century, the Federal Government systematically supported discrimination and exclusion in housing and mortgage lending. While many of the Federal Government's housing policies and programs expanded homeownership across the country, many knowingly excluded Black people and other persons of color, and promoted and reinforced housing segregation. Federal policies contributed to mortgage redlining and lending discrimination against persons of color.

The creation of the Interstate Highway System, funded and constructed by the Federal Government and State governments in the 20th century, disproportionately burdened many historically Black and low-income neighborhoods in many American cities. Many urban interstate highways were deliberately built to pass through Black neighborhoods, often requiring the destruction of housing and other local institutions. To this day, many Black neighborhoods are disconnected from access to high-quality housing, jobs, public transit, and other resources.

The Federal Government must recognize and acknowledge its role in systematically declining to invest in communities of color and preventing residents of those communities from accessing the same services and resources as their white counterparts. The effects of these policy decisions continue to be felt today, as racial inequality still permeates land-use patterns in most U.S. cities and virtually all aspects of housing markets.

The Congress enacted the Fair Housing Act more than 50 years ago to lift barriers that created separate and unequal neighborhoods on the basis of race, ethnicity, and national origin. Since then, however, access to housing and the creation of wealth through homeownership have remained persistently unequal in the United States. Many neighborhoods are as racially segregated today as they were in the middle of the 20th century. People of color are overrepresented among those experiencing homelessness. In addition, people of color disproportionately bear the burdens of exposure

to air and water pollution, and growing risks of housing instability from climate crises like extreme heat, flooding, and wildfires. And the racial wealth gap is wider than it was when the Fair Housing Act was enacted, driven in part by persistent disparities in access to homeownership. Although Federal fair housing laws were expanded to include protections for individuals with disabilities, a lack of access to affordable and integrated living options remains a significant problem.

The Federal Government has a critical role to play in overcoming and redressing this history of discrimination and in protecting against other forms of discrimination by applying and enforcing Federal civil rights and fair housing laws. It can help ensure that fair and equal access to housing opportunity exists for all throughout the United States. This goal is consistent with the Fair Housing Act, which imposes on Federal departments and agencies the duty to ''administer their programs and activities relating to housing and urban development . . . in a manner affirmatively to further'' fair housing (42 U.S.C. 3608(d)). This is not only a mandate to refrain from discrimination but a mandate to take actions that undo historic patterns of segregation and other types of discrimination and that afford access to long-denied opportunities.

Accordingly, it is the policy of my Administration that the Federal Government shall work with communities to end housing discrimination, to provide redress to those who have experienced housing discrimination, to eliminate racial bias and other forms of discrimination in all stages of home-buying and renting, to lift barriers that restrict housing and neighborhood choice, to promote diverse and inclusive communities, to ensure sufficient physically accessible housing, and to secure equal access to housing opportunity for all.

Sec. 2. *Examining Recent Regulatory Actions.* The Secretary of Housing and Urban Development (HUD) shall, as soon as practicable, take all steps necessary to examine the effects of the August 7, 2020, rule entitled ''Preserving Community and Neighborhood Choice'' (codified at parts 5, 91, 92, 570, 574, 576, and 903 of title 24, Code of Federal Regulations), including the effect that repealing the July 16, 2015, rule entitled ''Affirmatively Furthering Fair Housing'' has had on HUD's statutory duty to affirmatively further fair housing. The Secretary shall also, as soon as practicable, take all steps necessary to examine the effects of the September 24, 2020, rule entitled ''HUD's Implementation of the Fair Housing Act's Disparate Impact Standard'' (codified at part 100 of title 24, Code of Federal Regulations), including the effect that amending the February 15, 2013, rule entitled ''Implementation of the Fair Housing Act's Discriminatory Effects Standard'' has had on HUD's statutory duty to ensure compliance with the Fair Housing Act. Based on that examination, the Secretary shall take any necessary steps, as appropriate and consistent with applicable law, to implement the Fair Housing Act's requirements that HUD administer its programs in a manner that affirmatively furthers fair housing and HUD's overall duty to administer the Act (42 U.S.C. 3608(a)) including by preventing practices with an unjustified discriminatory effect.

Sec. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

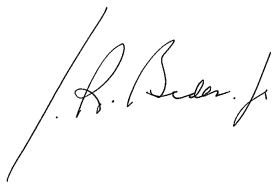
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(d) You are authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, January 26, 2021

[FR Doc. 2021–02074
Filed 1–28–21; 8:45 am]
Billing code 4210–67–P

Presidential Documents

Memorandum of January 26, 2021

Tribal Consultation and Strengthening Nation-to-Nation Relationships

Memorandum for the Heads of Executive Departments and Agencies

American Indian and Alaska Native Tribal Nations are sovereign governments recognized under the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. It is a priority of my Administration to make respect for Tribal sovereignty and self-governance, commitment to fulfilling Federal trust and treaty responsibilities to Tribal Nations, and regular, meaningful, and robust consultation with Tribal Nations cornerstones of Federal Indian policy. The United States has made solemn promises to Tribal Nations for more than two centuries. Honoring those commitments is particularly vital now, as our Nation faces crises related to health, the economy, racial justice, and climate change—all of which disproportionately harm Native Americans. History demonstrates that we best serve Native American people when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations.

To this end, Executive Order 13175 of November 6, 2000 (Consultation and Coordination With Indian Tribal Governments), charges all executive departments and agencies with engaging in regular, meaningful, and robust consultation with Tribal officials in the development of Federal policies that have Tribal implications. Tribal consultation under this order strengthens the Nation-to-Nation relationship between the United States and Tribal Nations. The Presidential Memorandum of November 5, 2009 (Tribal Consultation), requires each agency to prepare and periodically update a detailed plan of action to implement the policies and directives of Executive Order 13175. This memorandum reaffirms the policy announced in that memorandum.

Section 1. *Consultation.* My Administration is committed to honoring Tribal sovereignty and including Tribal voices in policy deliberation that affects Tribal communities. The Federal Government has much to learn from Tribal Nations and strong communication is fundamental to a constructive relationship. Accordingly, I hereby direct as follows:

(a) The head of each agency shall submit to the Director of the Office of Management and Budget (OMB), within 90 days of the date of this memorandum, a detailed plan of actions the agency will take to implement the policies and directives of Executive Order 13175. The plan shall be developed after consultation by the agency with Tribal Nations and Tribal officials as defined in Executive Order 13175.

(b) Each agency's plan and subsequent reports shall designate an appropriate agency official to coordinate implementation of the plan and preparation of progress reports required by this memorandum. These officials shall submit reports to the Assistant to the President for Domestic Policy (APDP) and the Director of OMB, who will review agency plans and subsequent reports for consistency with the policies and directives of Executive Order 13175.

(c) The head of each agency shall submit to the Director of OMB, within 270 days of the date of this memorandum, and annually thereafter, a progress

report on the status of each action included in the agency's plan, together with any proposed updates to its plan.

(d) The Director of OMB, in coordination with the APDP, shall submit to the President, within 1 year from the date of this memorandum, a report on the implementation of Executive Order 13175 across the executive branch based on the review of agency plans and progress reports. Recommendations for improving the plans and making the Tribal consultation process more effective, if any, should be included in this report.

Sec. 2. *Definitions.* The terms ''Tribal officials,'' ''policies that have Tribal implications,'' and ''agency'' as used in this memorandum are as defined in Executive Order 13175.

Sec. 3. *General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

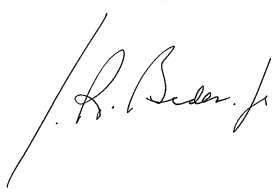
(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 4. *Publication.* The Director of OMB is authorized and directed to publish this memorandum in the *Federal Register*.



THE WHITE HOUSE,
Washington, January 26, 2021

[FR Doc. 2021–02075
Filed 1–28–21; 8:45 am]
Billing code 3110–01–P

Rules and Regulations

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DEPARTMENT OF HOMELAND SECURITY

8 CFR Parts 103, 106, 204, 211, 212, 214, 216, 217, 223, 235, 236, 240, 244, 245, 245a, 248, 264, 274a, 286, 301, 319, 320, 322, 324, 334, 341, 343a, 343b, and 392

[CIS No. 2627–18; DHS Docket No. USCIS–2019–0010]

RIN 1615–AC18

U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements

AGENCY: U.S. Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notification of preliminary injunction.

SUMMARY: U.S. Citizenship and Immigration Services (USCIS) is issuing this document to inform the public of two preliminary injunctions ordered by Federal district courts affecting the Department of Homeland Security's (the Department, or DHS) final rule entitled ''U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements.''

DATES: The court orders were effective September 29, 2020 and October 8, 2020.

FOR FURTHER INFORMATION CONTACT: For technical questions only: Kika Scott, Chief Financial Officer, U.S. Citizenship and Immigration Services, Department of Homeland Security, 5900 Capital Gateway Drive, Camp Springs, MD 20588–0009, telephone (240) 721–3000.

SUPPLEMENTARY INFORMATION: On August 3, 2020, the Department published a final rule in the **Federal Register** at 85 FR 46788 entitled ''U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements'' (the ''Final Rule''). The Final Rule was to be effective October 2, 2020.

On August 20, 2020, the Immigrant Legal Resource Center and other plaintiffs filed a lawsuit in the U.S. District Court for the Northern District of California, *Immigration Legal Resource Center et al.,* v. *Wolf, et al.,* 20–cv–05883–JWS (''*ILRC* v. *Wolf*''), seeking a court order to prohibit the Department from implementing or enforcing the Final Rule. Plaintiffs subsequently filed a motion for a preliminary injunction and stay of the effective date of the Final Rule.

On September 3, 2020, Northwest Immigrant Rights Project (NWIRP) and other plaintiffs in *Nw. Immigrant Rts. Project, et al.,* v. *USCIS,* No. 19–cv–3283 (RDM) (''*NWIRP* v. *USCIS*''), filed a motion in the U.S. District Court for the District of Columbia requesting postponement of the effective date of the Final Rule, stay of any implementation or enforcement of the Final Rule, and for a preliminary injunction against implementation or enforcement of the Final Rule.

On September 29, 2020, the U.S. District Court for the Northern District of California, in *ILRC* v. *Wolf,* preliminarily enjoined DHS from implementing or enforcing any part of the Final Rule. *See Immigration Legal Resource Center et al.,* v. *Wolf, et al.,* No. 20–cv–05883–JWS, 2020 WL 5798269 (N.D. Cal. Sept. 29, 2020).

On October 8, 2020, the U.S. District Court for the District of Columbia granted NWIRP's motion for a preliminary injunction. *See NWIRP* v. *USCIS,* No. CV 19–3283 (RDM), 2020 WL 5995206 (D.D.C. Oct. 8, 2020).

The Department is complying with the terms of these orders and is not enforcing the regulatory changes set out in the Final Rule. USCIS will continue to accept the fees that were in place prior to October 2, 2020, and follow the guidance in place prior to October 2, 2020 to adjudicate fee waiver requests as provided under the Adjudicator's Field Manual (AFM) Chapters 10.9 and 10.10.

Any further guidance and updates regarding the subject litigation will be posted on the USCIS website *https://www.uscis.gov/news/news-releases/uscis-response-to-preliminary-injunction-of-fee-rule* on an ongoing basis.

Tracy L. Renaud,
Senior Official Performing the Duties of the Director.

[FR Doc. 2021–02044 Filed 1–28–21; 8:45 am]
BILLING CODE 9111–97–P

FEDERAL HOUSING FINANCE AGENCY

12 CFR Parts 1209, 1217, and 1250

RIN 2590–AB14

Rules of Practice and Procedure; Civil Money Penalty Inflation Adjustment

AGENCY: Federal Housing Finance Agency.

ACTION: Final rule.

SUMMARY: The Federal Housing Finance Agency (FHFA) is adopting this final rule amending its Rules of Practice and Procedure and other agency regulations to adjust each civil money penalty within its jurisdiction to account for inflation, pursuant to the Federal Civil Penalties Inflation Adjustment Act of 1990, as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.

DATES: *Effective* January 29, 2021, and applicable beginning January 15, 2021.

FOR FURTHER INFORMATION CONTACT: Frank R. Wright, Assistant General Counsel, at (202) 649–3087, *Frank.Wright@fhfa.gov* (not a toll-free number); Federal Housing Finance Agency, 400 7th Street SW, Washington, DC 20219. The telephone number for the Telecommunications Device for the Deaf is: (800) 877–8339 (TDD only).

SUPPLEMENTARY INFORMATION:

I. Background

FHFA is an independent agency of the Federal government, and the financial safety and soundness regulator of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac) (collectively, the Enterprises), as well as the Federal Home Loan Banks (collectively, the Banks) and the Office of Finance under authority granted by the Federal Housing Enterprises Financial Safety and Soundness Act of

1992 (Safety and Soundness Act).[1] FHFA oversees the Enterprises and Banks (collectively, the regulated entities) and the Office of Finance to ensure that they operate in a safe and sound manner and maintain liquidity in the housing finance market in accordance with applicable laws, rules and regulations. To that end, FHFA is vested with broad supervisory discretion and specific civil administrative enforcement powers, similar to such authority granted by Congress to the Federal bank regulatory agencies.[2] Section 1376 of the Safety and Soundness Act (12 U.S.C. 4636) empowers FHFA to impose civil money penalties under specific conditions. FHFA's Rules of Practice and Procedure (12 CFR part 1209) (the Enforcement regulations) govern cease and desist proceedings, civil money penalty assessment proceedings, and other administrative adjudications.[3] FHFA's Flood Insurance regulation (12 CFR part 1250) governs flood insurance responsibilities as they pertain to the Enterprises.[4] FHFA's Implementation of the Program Fraud Civil Remedies Act of 1986 regulation (12 CFR part 1217) sets forth procedures for imposing civil penalties and assessments under the Program Fraud Civil Remedies Act (31 U.S.C. 3801 *et seq.*) on any person that makes a false claim for property, services or money from FHFA, or makes a false material statement to FHFA in connection with a claim, where the amount involved does not exceed $150,000.[5]

The Adjustment Improvements Act

The Federal Civil Penalties Inflation Adjustment Act of 1990 (Inflation Adjustment Act), as amended by the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 (Adjustment Improvements Act), requires FHFA, as well as other federal agencies with the authority to issue civil money penalties (CMPs), to adjust by regulation the maximum amount of each CMP authorized by law that the agency has jurisdiction to administer.[6] The Adjustment Improvements Act required agencies to make an initial ''catch-up'' adjustment of their CMPs upon the statute's enactment,[7] and further requires agencies to make additional adjustments on an annual basis following the initial adjustment.[8]

The Adjustment Improvements Act sets forth the formula that agencies must apply when making annual adjustments, based on the percent change between the October Consumer Price Index for All Urban Consumers (the CPI–U) preceding the date of the last adjustment and the October CPI–U for the year before that.

II. Description of the Rule

This final rule adjusts the maximum penalty amount within each of the three tiers specified in 12 U.S.C. 4636 by amending the table contained in 12 CFR 1209.80 of the Enforcement regulations to reflect the new adjusted maximum penalty amount that FHFA may impose upon a regulated entity or any entity-affiliated party within each tier. The increases in maximum penalty amounts contained in this final rule may not necessarily affect the amount of any CMP that FHFA may seek for a particular violation, which may not be the maximum that the law allows; FHFA would calculate each CMP on a case-by-case basis in light of a variety of factors.[9] This rule also adjusts the maximum penalty amounts for violations under the FHFA Flood Insurance regulation by amending the text of 12 CFR 1250.3 to reflect the new adjusted maximum penalty amount that FHFA may impose for violations under that regulation. This rule also adjusts the maximum amounts for civil money penalties under the Program Fraud Civil Remedies Act by amending the text of 12 CFR 1217.3 to reflect the new adjusted maximum penalty amount that FHFA may impose for violations under that regulation.

The Adjustment Improvements Act directs federal agencies to calculate each annual CMP adjustment as the percent change between the CPI–U for the previous October and the CPI–U for October of the calendar year before.[10] The maximum CMP amounts for FHFA penalties were last adjusted in 2020.[11] Since FHFA is making this round of adjustments in calendar year 2021, and the maximum CMP amounts were last set in calendar year 2020, the inflation adjustment amount for each maximum CMP amount was calculated by comparing the CPI–U for October 2019 with the CPI–U for October 2020, resulting in an inflation factor of 1.01182. For each maximum CMP calculation, the product of this inflation adjustment and the previous maximum penalty amount was then rounded to the nearest whole dollar as required by the Adjustment Improvements Act, and was then summed with the previous maximum penalty amount to determine the new adjusted maximum penalty amount.[12] The tables below set out these items accordingly.

U.S. Code citation	Description	Previous maximum penalty amount	Rounded inflation increase	New adjusted maximum penalty amount
	Enforcement Regulations			
12 U.S.C. 4636(b)(1)	First Tier	11,883	140	12,023
12 U.S.C. 4636(b)(2)	Second Tier	59,413	702	60,115
12 U.S.C. 4636(b)(4)	Third Tier (Entity-affiliated party or Regulated entity)	2,376,518	28,090	2,404,608
	Program Fraud Civil Remedies Regulation			
31 U.S.C. 3802(a)(1)	Maximum penalty per false claim	11,665	138	11,803
31 U.S.C. 3802(a)(2)	Maximum penalty per false statement	11,665	138	11,803
	Flood Insurance Regulation			
42 U.S.C. 4012a(f)(5)	Maximum penalty per violation	578	7	585

[1] *See* Safety and Soundness Act, 12 U.S.C. 4513 and 4631–4641.

[2] *Id.*

[3] *See* 12 CFR part 1209.

[4] *See* 12 CFR part 1250.

[5] *See generally,* 31 U.S.C. 3801 *et seq.*

[6] *See* 28 U.S.C. 2461 note.

[7] FHFA promulgated its catch-up adjustment of its CMPs with an interim final rule published July 1, 2016. 81 FR 43028.

[8] FHFA promulgated its most recent annual adjustment of its CMP with a final rule published January 28, 2020. 85 FR 4903.

[9] *See, e.g.,* 12 CFR 1209.7(c); FHFA Enforcement Policy, AB 2013–03 (May 31, 2013).

[10] 28 U.S.C. 2461 note.

[11] *See* 85 FR 4903 (January 28, 2020).

[12] 28 U.S.C. 2461 note.

U.S. Code citation	Description	Previous maximum penalty amount	Rounded inflation increase	New adjusted maximum penalty amount
42 U.S.C. 4012a(f)(5)	Maximum total penalties assessed against an Enterprise in a calendar year.	166,661	1970	168,631

III. Differences Between the Federal Home Loan Banks and the Enterprises

When promulgating any regulation that may have future effect relating to the Banks, the Director is required by section 1313(f) of the Safety and Soundness Act to consider the differences between the Banks and the Enterprises with respect to the Banks' cooperative ownership structure, mission of providing liquidity to members, affordable housing and community development mission, capital structure, and joint and several liability (12 U.S.C. 4513(f)).[13] The Director considered the differences between the Banks and the Enterprises, as they relate to the above factors, and determined that this final rule is appropriate. The inflation adjustments effected by the final rule are mandated by law, and the special features of the Banks identified in section 1313(f) of the Safety and Soundness Act can be accommodated, if appropriate, along with any other relevant factors, when determining any actual penalties.

IV. Regulatory Impact

Administrative Procedure Act

FHFA finds good cause that notice and an opportunity to comment on this final rule are unnecessary under section 553(b) of the Administrative Procedure Act (APA), 5 U.S.C. 553(b). The Adjustment Improvements Act states that the annual civil money penalty adjustments shall be made notwithstanding the rulemaking provisions of 5 U.S.C. 553.[14] Furthermore, this rulemaking conforms with and is consistent with the statutory directive set forth in the Adjustment Improvements Act. As a result, there are no issues of policy discretion about which to seek public comment. Accordingly, FHFA is adopting these amendments as a final rule.

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act (RFA),[15] an agency must prepare a regulatory flexibility analysis for all proposed and final rules that describes the impact of the rule on small entities, unless the head of an agency certifies that the rule will not have ''a significant economic impact on a substantial number of small entities.'' However, the RFA applies only to rules for which an agency publishes a general notice of proposed rulemaking pursuant to the APA.[16] As discussed above, FHFA has determined for good cause that the APA does not require a general notice of proposed rulemaking for this rule. Thus, the RFA does not apply to this final rule.

Congressional Review Act

The rule is not a ''major rule'' as defined by the Congressional Review Act, codified at 5 U.S.C. 801 *et seq.* The rule will not result in: (1) An annual effect on the economy of $100,000,000 or more; (2) a major increase in costs or prices; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based companies to compete with foreign-based companies.[17]

Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) requires that regulations involving the collection of information receive clearance from the Office of Management and Budget (OMB). This rule contains no such collection of information requiring OMB approval under the Paperwork Reduction Act. Consequently, no information has been submitted to OMB for review.

Lists of Subjects

12 CFR Part 1209

Administrative practice and procedure, Penalties.

12 CFR Part 1217

Civil remedies, Program fraud.

12 CFR Part 1250

Flood insurance, Government-sponsored enterprises, Penalties, Reporting and record keeping requirements.

Accordingly, for the reasons stated in the **SUPPLEMENTARY INFORMATION** and under the authority of 12 U.S.C. 4513b and 12 U.S.C. 4526, the Federal Housing Finance Agency hereby amends subchapters A and C of chapter XII of Title 12 of the Code of Federal Regulations as follows:

SUBCHAPTER A—ORGANIZATION AND OPERATIONS

PART 1209—RULES OF PRACTICE AND PROCEDURE

■ 1. The authority citation for part 1209 continues to read as follows:

Authority: 5 U.S.C. 554, 556, 557, and 701 *et seq.;* 12 U.S.C. 1430c(d); 12 U.S.C. 4501, 4502, 4503, 4511, 4513, 4513b, 4517, 4526, 4566(c)(1) and (c)(7), 4581–4588, 4631–4641; and 28 U.S.C. 2461 note.

■ 2. Revise § 1209.80 to read as follows:

§ 1209.80 Inflation adjustments.

The maximum amount of each civil money penalty within FHFA's jurisdiction, as set by the Safety and Soundness Act and thereafter adjusted in accordance with the Inflation Adjustment Act, is as follows:

U.S. Code citation	Description	New adjusted maximum penalty amount
12 U.S.C. 4636(b)(1)	First Tier	$12,023
12 U.S.C. 4636(b)(2)	Second Tier	60,115
12 U.S.C. 4636(b)(4)	Third Tier (Regulated Entity or Entity-Affiliated party)	2,404,608

[13] So in original; no paragraphs (d) and (e) were enacted. *See* 12 U.S.C.A. 4513 n 1.

[14] 28 U.S.C. 2461 note, section 4(b)(2).

[15] 5 U.S.C. 603.

[16] 5 U.S.C. 603(a), 604(a).

[17] 5 U.S.C. 804(2).

■ 3. Revise § 1209.81 to read as follows:

§ 1209.81 Applicability.

The inflation adjustments set out in § 1209.80 shall apply to civil money penalties assessed in accordance with the provisions of the Safety and Soundness Act, 12 U.S.C. 4636, and subparts B and C of this part, for violations occurring on or after January 15, 2021.

PART 1217—PROGRAM FRAUD CIVIL REMEDIES ACT

■ 4. The authority citation for part 1217 continues to read as follows:

Authority: 12 U.S.C. 4501; 12 U.S.C. 4526; 28 U.S.C. 2461 note; 31 U.S.C. 3801–3812.

■ 5. Amend § 1217.3 by revising paragraphs (a)(1) introductory text and (b)(1) introductory text to read as follows:

§ 1217.3 Basis for civil penalties and assessments.

(a) * * *

(1) A civil penalty of not more than $11,803 may be imposed upon a person who makes a claim to FHFA for property, services, or money where the person knows or has reason to know that the claim:

* * * * *

(b) * * *

(1) A civil penalty of up to $11,803 may be imposed upon a person who makes a written statement to FHFA with respect to a claim, contract, bid or proposal for a contract, or benefit from FHFA that:

* * * * *

SUBCHAPTER C—ENTERPRISES

PART 1250—FLOOD INSURANCE

■ 6. The authority citation for part 1250 continues to read as follows:

Authority: 12 U.S.C. 4521(a)(4) and 4526; 28 U.S.C. 2461 note; 42 U.S.C. 4001 note; 42 U.S.C. 4012a(f)(3), (4), (5), (8), (9), and (10).

■ 7. Amend § 1250.3 by revising paragraph (c) to read as follows:

§ 1250.3 Civil money penalties.

* * * * *

(c) *Amount.* The maximum civil money penalty amount is $578 for each violation that occurs before January 15, 2021, with total penalties not to exceed $166,661. For violations that occur on or after January 15, 2021, the civil money penalty under this section may not exceed $585 for each violation, with total penalties assessed under this section against an Enterprise during any calendar year not to exceed $168,631.

* * * * *

Mark A. Calabria,

Director, Federal Housing Finance Agency.

[FR Doc. 2021–01576 Filed 1–28–21; 8:45 am]

BILLING CODE 8070–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31351; Amdt. No. 3940]

Standard Instrument Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule amends, suspends, or removes Standard Instrument Approach Procedures (SIAPs) and associated Takeoff Minimums and Obstacle Departure Procedures for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 29, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 29, 2021.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30, 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001;

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA).

For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center online at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29, Room 104, Oklahoma City, OK 73169. Telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by amending the referenced SIAPs. The complete regulatory description of each SIAP is listed on the appropriate FAA Form 8260, as modified by the National Flight Data Center (NFDC)/Permanent Notice to Airmen (P–NOTAM), and is incorporated by reference under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR 97.20. The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained on FAA form documents is unnecessary. This amendment provides the affected CFR sections, and specifies the SIAPs and Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPs, Takeoff Minimums and ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP and Takeoff Minimums and ODP as amended in the transmittal. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained for each SIAP and Takeoff Minimums and ODP as modified by FDC permanent NOTAMs.

The SIAPs and Takeoff Minimums and ODPs, as modified by FDC permanent NOTAM, and contained in this amendment are based on criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these changes to SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied only to specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a FDC NOTAM as an emergency action of immediate flight safety relating directly to published aeronautical charts.

The circumstances that created the need for these SIAP and Takeoff Minimums and ODP amendments require making them effective in less than 30 days.

Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making these SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on January 8, 2021.

Wade Terrell,

Aviation Safety, Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, CFR part 97, (is amended by amending Standard Instrument Approach Procedures and Takeoff Minimums and ODPs, effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, Identified as follows:

** * * Effective Upon Publication*

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–Feb–21	MI	Flint	Bishop Intl	0/0813	12/8/20	RNAV (GPS) RWY 18, Amdt 1B.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1937	11/20/20	ILS OR LOC RWY 5, Amdt 23C.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1943	11/20/20	RADAR 1, Amdt 5B.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1945	11/20/20	RNAV (GPS) RWY 5, Orig-E.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1947	11/20/20	RNAV (GPS) RWY 14, Orig-D.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1950	11/20/20	RNAV (GPS) RWY 32, Orig-D.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1952	11/20/20	VOR RWY 5, Amdt 18.
25–Feb–21	IN	Terre Haute	Terre Haute Rgnl	0/1954	11/20/20	VOR RWY 23, Amdt 21.
25–Feb–21	MN	Marshall	Southwest Minnesota Rgnl Marshall/Ryan Fld.	0/2066	11/24/20	RNAV (GPS) RWY 12, Amdt 1A.
25–Feb–21	NH	Claremont	Claremont Muni	0/2324	11/24/20	NDB–A, Amdt 1B.
25–Feb–21	ME	Augusta	Augusta State	0/2741	11/27/20	VOR RWY 35, Amdt 6B.
25–Feb–21	OH	Washington Court House	Fayette County	0/3503	11/27/20	NDB RWY 23, Amdt 5B.
25–Feb–21	OK	Weatherford	Thomas P. Stafford	0/5580	12/7/20	RNAV (GPS) RWY 35, Amdt 3.
25–Feb–21	FL	Naples	Naples Muni	0/5866	12/16/20	VOR RWY 5, Amdt 5B.
25–Feb–21	MI	Saginaw	Saginaw County H. W. Browne.	0/6063	11/27/20	ILS OR LOC RWY 28, Amdt 1.
25–Feb–21	AR	Warren	Warren Muni	0/6197	11/27/20	RNAV (GPS) RWY 21, Orig-B.
25–Feb–21	MN	Walker	Walker Muni	0/6953	11/27/20	RNAV (GPS) RWY 15, Amdt 2.
25–Feb–21	TX	Georgetown	Georgetown Muni	0/6984	11/27/20	RNAV (GPS) RWY 11, Amdt 1A.
25–Feb–21	WY	Guernsey	Camp Guernsey	0/8066	1/4/21	Takeoff Minimums and Obstacle DP, Amdt 1.

AIRAC date	State	City	Airport	FDC No.	FDC date	Subject
25–Feb–21	TN	Morristown	Moore-Murrell	0/8891	12/30/20	Takeoff Minimums and Obstacle DP, Amdt 6.
25–Feb–21	VT	Barre/Montpelier	Edward F. Knapp State	0/9161	1/4/21	ILS OR LOC RWY 17, Amdt 7A.
25–Feb–21	CO	Pueblo	Pueblo Memorial	0/9867	11/17/20	ILS OR LOC RWY 8R, Amdt 1B.

[FR Doc. 2021–01764 Filed 1–28–21; 8:45 am]
BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 31350; Amdt. No. 3939]

Standard Instruction Approach Procedures, and Takeoff Minimums and Obstacle Departure Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule establishes, amends, suspends, or removes Standard Instrument Approach Procedures (SIAPS) and associated Takeoff Minimums and Obstacle Departure procedures (ODPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, adding new obstacles, or changing air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: This rule is effective January 29, 2021. The compliance date for each SIAP, associated Takeoff Minimums, and ODP is specified in the amendatory provisions.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 29, 2021.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination

1. U.S. Department of Transportation, Docket Ops-M30. 1200 New Jersey Avenue SE, West Bldg., Ground Floor, Washington, DC 20590–0001.

2. The FAA Air Traffic Organization Service Area in which the affected airport is located;

3. The office of Aeronautical Navigation Products, 6500 South MacArthur Blvd., Oklahoma City, OK 73169 or,

4. The National Archives and Records Administration (NARA). For information on the availability of this material at NARA, email *fedreg.legal@nara.gov* or go to: *https://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Availability

All SIAPs and Takeoff Minimums and ODPs are available online free of charge. Visit the National Flight Data Center at *nfdc.faa.gov* to register. Additionally, individual SIAP and Takeoff Minimums and ODP copies may be obtained from the FAA Air Traffic Organization Service Area in which the affected airport is located.

FOR FURTHER INFORMATION CONTACT: Thomas J. Nichols, Flight Procedures and Airspace Group, Flight Technologies and Procedures Division, Flight Standards Service, Federal Aviation Administration. Mailing Address: FAA Mike Monroney Aeronautical Center, Flight Procedures and Airspace Group, 6500 South MacArthur Blvd., Registry Bldg 29, Room 104, Oklahoma City, OK 73169. Telephone (405) 954–4164.

SUPPLEMENTARY INFORMATION: This rule amends 14 CFR part 97 by establishing, amending, suspending, or removes SIAPS, Takeoff Minimums and/or ODPS. The complete regulatory description of each SIAP and its associated Takeoff Minimums or ODP for an identified airport is listed on FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and 14 CFR part 97.20. The applicable FAA Forms 8260–3, 8260–4, 8260–5, 8260–15A, 8260–15B, when required by an entry on 8260–15A, and 8260–15C.

The large number of SIAPs, Takeoff Minimums and ODPs, their complex nature, and the need for a special format make publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, Takeoff Minimums or ODPs, but instead refer to their graphic depiction on charts printed by publishers or aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP, Takeoff Minimums and ODP listed on FAA form documents is unnecessary. This amendment provides the affected CFR sections and specifies the typed of SIAPS, Takeoff Minimums and ODPs with their applicable effective dates. This amendment also identifies the airport and its location, the procedure, and the amendment number.

Availability and Summary of Material Incorporated by Reference

The material incorporated by reference is publicly available as listed in the **ADDRESSES** section.

The material incorporated by reference describes SIAPS, Takeoff Minimums and/or ODPs as identified in the amendatory language for part 97 of this final rule.

The Rule

This amendment to 14 CFR part 97 is effective upon publication of each separate SIAP, Takeoff Minimums and ODP as amended in the transmittal. Some SIAP and Takeoff Minimums and textual ODP amendments may have been issued previously by the FAA in a Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flights safety relating directly to published aeronautical charts.

The circumstances that created the need for some SIAP and Takeoff Minimums and ODP amendments may require making them effective in less than 30 days. For the remaining SIAPs and Takeoff Minimums and ODPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs and Takeoff Minimums and ODPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these SIAPs and Takeoff Minimums and ODPs, the TERPS criteria were applied to the

conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs, Takeoff Minimums and ODPs, and safety in air commerce, I find that notice and public procedure under 5 U.S.C. 553(b) are impracticable and contrary to the public interest and, where applicable, under 5 U.S.C. 553(d), good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Lists of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Incorporation by reference, Navigation (Air).

Issued in Washington, DC, on January 8, 2021.

Wade Terrell,

Aviation Safety Manager, Flight Procedures & Airspace Group, Flight Technologies and Procedures Division.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, Title 14, Code of Federal Regulations, Part 97 (14 CRF part 97) is amended by establishing, amending, suspending, or removing Standard Instrument Approach Procedures and/or Takeoff Minimums and Obstacle Departure Procedures effective at 0901 UTC on the dates specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

■ 1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44701, 44719, 44721–44722.

■ 2. Part 97 is amended to read as follows:

Effective 25 February 2021

Los Angeles, CA, KLAX, ILS OR LOC RWY 25L, ILS RWY 25L (CAT II), ILS RWY 25L (CAT III), Amdt 14B
Los Angeles, CA, KLAX, RNAV (GPS) Y RWY 25L, Amdt 4B
Los Angeles, CA, KLAX, RNAV (RNP) Z RWY 25L, Amdt 2B
Hilo, HI, Hilo Intl, ILS OR LOC RWY 26, Amdt 14
Hilo, HI, Hilo Intl, RNAV (GPS) RWY 26, Amdt 2
Goodland, KS, KGLD, RNAV (GPS) RWY 12, Amdt 2B
Goodland, KS, KGLD, RNAV (GPS) RWY 30, Amdt 1D
Marksville, LA, Marksville Muni, RNAV (GPS) RWY 4, Orig-B
Marksville, LA, Marksville Muni, VOR–A, Amdt 4A
Bedford, MA, KBED, RNAV (GPS) RWY 23, Amdt 1
Bedford, MA, KBED, RNAV (GPS) Z RWY 11, Amdt 2
Bedford, MA, KBED, RNAV (RNP) Y RWY 11, Amdt 1
Bedford, MA, KBED, RNAV (RNP) Y RWY 29, Amdt 1
Lawrence, MA, KLWM, RNAV (GPS) RWY 23, Amdt 2
Vermillion, SD, KVMR, RNAV (GPS) RWY 30, Amdt 2B
Dublin, VA, KPSK, ILS OR LOC Y RWY 6, Orig-B
Dublin, VA, KPSK, ILS OR LOC Z RWY 6, Amdt 5B

[FR Doc. 2021–01763 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1015

[Docket No. CPSC–2020–0011]

Fees for Production of Records; Other Amendments to Procedures for Disclosure of Information Under the Freedom of Information Act

AGENCY: Consumer Product Safety Commission.

ACTION: Final rule.

SUMMARY: The Consumer Product Safety Commission (CPSC) is amending its Freedom of Information Act (FOIA) fee regulations to reflect more accurately the CPSC's direct costs of providing FOIA services, as well as to conform to the Office of Management and Budget's (OMB's) *Uniform Freedom of Information Act Fee Schedule and Guidelines* and to omit the fee category for the production of records on microfiche, an obsolete format. The CPSC also is amending other sections of its FOIA regulations to reflect organizational changes in the agency's FOIA Office; to codify the existing practice of the General Counsel remanding cases to the Chief FOIA Officer; and to allow for application of any relevant FOIA exemptions.

DATES: The rule is effective on March 1, 2021.

FOR FURTHER INFORMATION CONTACT: Abioye Ella Mosheim, Chief FOIA Officer and Assistant General Counsel, email: *amosheim@cpsc.gov;* telephone: (301) 504–7454; or Matthew S. Osei-Bonsu, Attorney-Advisor, email: *moseibonsu@cpsc.gov;* telephone: (301) 504–7071; U.S. Consumer Product Safety Commission, Room 820, 4330 East West Highway, Bethesda, MD 20814.

SUPPLEMENTARY INFORMATION:

A. Background and Statutory Authority

On June 30, 2016, the President signed into law the FOIA Improvement Act of 2016, Public Law 114–185 (2016 Act). The 2016 Act amends the Freedom of Information Act, 5 U.S.C. 552, requiring, *inter alia,* the Chief FOIA Officer of every agency to review its FOIA fee regulations annually. *See* 5 U.S.C. 552(j)(3)(C).

OMB's *Uniform Freedom of Information Act Fee Schedule and Guidelines* (OMB Fee Guidelines) provides Federal agencies with guidance on reviewing and assessing FOIA fees. 52 FR 10012 (Mar. 27, 1987). Following OMB's issuance of its Fee Guidelines in March 1987, the CPSC proposed amendments to its FOIA fee regulations, codified at 16 CFR part 1015 (part 1015). 52 FR 17767 (May 12, 1987). The CPSC finalized its amendments on fees to reflect the agency's direct costs, and the amendments became effective on September 4, 1987. 52 FR 28979 (Aug. 5, 1987). In 1997, CPSC updated one portion of its FOIA fee regulations regarding computerized records and interest to be charged on fees owed. 62 FR 46198 (Sept. 2, 1997). In 2017, the CPSC also updated portions of its FOIA fee regulations to revise the definition of ''representative of the news media'' and to make other clarifications and corrections. 82 FR 37004 (Aug. 8, 2017).

On April 16, 2020, the Commission issued a notice of proposed rulemaking (NPR) to make the following changes to part 1015:

- Amendments concerning FOIA fees;
- amendments reflecting recent organizational changes within the CPSC, and the CPSC's FOIA Office, more specifically;
- amendments addressing the FOIA appeals process;
- amendments concerning the scope of FOIA Exemptions under 16 CFR 1015.20; and
- other miscellaneous conforming amendments, all of which will be incorporated into the final rule and are summarized in greater detail below.

85 FR 21118. CPSC received two comments on the NPR. After reviewing the comments, the CSPC is finalizing this rule with modifications.

B. Response to Comments

The CPSC received two comments regarding the NPR. The National Archives and Records Administration (NARA) suggested that paragraphs (f) and (g) of § 1015.9 should be clarified to further distinguish between the terms ''fee categories'' and ''fee waivers,'' by removing language that could unintentionally lead to the mistaken inference that agencies have the discretion to waive fees based on requester categories. The CPSC agrees, and therefore, incorporated those comments into § 1015.9(f) and (g), by distinguishing between fee waivers and references to free services. The consumer advocacy group, Kids in Danger, in relevant part, recommended that the CPSC should not charge duplication fees for pages redacted in full. The CPSC agrees, and therefore, incorporated those comments into § 1015.9(e)(1)(iv), by noting that CPSC will not charge a duplication fee for pages redacted in full. Other Kids in Danger comments included a request for CPSC to provide more digital delivery methods, and to provide a faster turnaround for final responses; these comments were not incorporated. Digital delivery and response turnaround times are outside the scope of this rule; although it should be noted that CPSC already has a digital delivery service that every requester can opt into.

C. Description of the Final Rule

A. Amendments Regarding Fees

Direct Costs. The FOIA authorizes agencies to charge certain fees to recover the direct costs of providing FOIA services. 5 U.S.C. 552(a)(4)(A). Fee schedules must provide for the recovery of only the direct costs of search, duplication, or review. 5 U.S.C. 552(a)(4)(A)(iv). Under the FOIA, agencies must: Promulgate regulations, pursuant to notice and public comment, specifying the schedule of fees applicable to processing FOIA requests; establish procedures and guidelines for determining when such fees should be waived or reduced; and conform their fee schedules to the OMB Fee Guidelines. 5 U.S.C. 552(a)(4)(A)(i). Pursuant to the OMB Fee Guidelines, agencies should charge fees that ''recoup the full allowable direct costs they incur'' and ''shall use the most efficient and least costly methods to comply with requests for documents made under the FOIA.'' 52 FR 10018.

Duplication Fees. The final rule amends § 1015.9(e)(1) regarding the current regulations on fees that the agency charges for reproducing documents, to reflect CPSC staff's review and the assessment of certain known costs of producing FOIA records for Fiscal Year 2019, and based on current CPSC practices. The OMB Fee Guidelines require agencies to ''establish an average agency-wide, per-page charge for paper copy reproduction of documents,'' which ''shall represent the reasonable direct costs of making such copies, taking into account the salary of the operator as well as the cost of the reproduction machinery.'' 52 FR 10018. For copies prepared by computer, the OMB Fee Guidelines require agencies to charge the actual cost, including operator time of production of the printout. *Id.* For other methods of duplication, the OMB Fee Guidelines require agencies to charge the actual direct costs of producing the documents. *Id.*

Currently, 16 CFR 1015.9(e)(1) sets forth the amount charged for reproducing documents on a standard photocopying machine at $0.10 per page. The final rule amends § 1015.9(e)(1) to specify a charge of $0.15 per page for manual photocopies and for computer printouts that are sent from a computer to a printer or photocopier machine. We calculated the fee for manual photocopies and computer printouts using the 2019 basic hourly pay rate of the average grade and step of staff members from the Office of the General Counsel, Division of the Secretariat (GCOS), who charged hours for FOIA projects in Fiscal Year 2019 (GS 12/4, or $33.52/staff hour), plus 16 percent for the allowable OMB benefit rate; multiplying that amount by the total staff hours within the GCOS that we estimated to be attributable to FOIA duplication in Fiscal Year 2019 (486.45 staff hours); adding the estimated cost of paper and toner used by GCOS staff for computer printouts in Fiscal Year 2019 ($9,826); and dividing that number by the corresponding number of pages printed (196,820 pages). CPSC staff estimated the total hours spent by GCOS staff attributable to FOIA duplication in Fiscal Year 2019, by taking a poll of the FOIA specialists, whose most common response was that they spent 5 percent of their time on duplication.

The final rule amends § 1015.9(e) to clarify that CPSC will not charge a duplication fee for producing records provided to requesters in electronic format. Because converting an electronic file, such as a file in portable document format (PDF), and sending it to requesters via electronic mail or the FOIA online portal requires minimal operator time and computer and software costs, the agency's actual costs of duplicating these records are *de minimis.* The final rule also clarifies how the fees for duplication costs will be assessed when records are available only in paper format and must be scanned to comply with a requester's preference to receive records in an electronic format.

Search Fees. The final rule amends § 1015.9(e)(2) regarding the current regulations on fees that the agency charges for searches. Pursuant to the OMB Fee Guidelines, for manual searches, whenever feasible, agencies should charge at the salary rate of the employee making the search, consisting of basic pay, plus 16 percent for the allowable OMB benefit rate; however, where a ''homogenous class of personnel'' is used exclusively, agencies may establish an average rate for the range of grades typically involved in searching for records. 52 FR 10018. For computer searches, agencies should charge the actual direct cost of providing the service, plus central processing unit (CPU) time that is directly attributable to searching for responsive records to a FOIA request. Alternatively, if agencies can do so, they can establish a reasonable agency-wide rate for operator, programmer, and CPU costs involved in FOIA searches, and charge accordingly. *Id.*

Currently, § 1015.9(e)(2) and(3) divide searches into two categories: (1) Searches conducted by clerical staff; and (2) searches conducted by non-clerical, professional, or managerial staff. The current regulations charge $3.00 per quarter-hour for clerical searches, and $4.90 per quarter-hour for non-clerical searches.

The final rule amends § 1015.9(e)(2) to remove the set dollar figures for search fees enumerated in the regulation, and in their place, states that search fees are based on the average grade and step of certain employees who charged hours in this category. CPSC staff concluded that this revision eliminates the need to update continuously the CPSC's published FOIA fee regulations in accord with General Schedule pay adjustments. This approach is similar to the FOIA fee regulations at several other agencies, such as the Federal Communications Commission and the Securities and Exchange Commission.

Additionally, due to organizational changes in the CPSC's FOIA Office, and how requests are processed, clerical staff members rarely perform searches. Therefore, the final rule eliminates the category of clerical search fees.

Consistent with this recommendation, and consistent with the OMB Fee Guidelines, the final rule distinguishes between manual and computer-based searches.

CPSC will charge manual search fees on a per-quarter-hour basis, and annually calculate and publish on the FOIA web page the exact rate, using the basic hourly pay rate of the average grade and step of CPSC program staff who worked outside of the FOIA Office and who charged hours for FOIA projects in Fiscal Year 2019 (GS 14/7), plus 16 percent for the allowable OMB benefit rate.

CPSC will charge computer search fees on a per-quarter-hour basis, and annually calculate and publish the exact rate, using the basic hourly pay rate of the average grade and step of GCOS staff who charged hours for FOIA projects in Fiscal Year 2019 (GS 12/4), plus 16 percent for the allowable OMB benefit rate. CPSC program staff who work outside of the FOIA Office often conduct FOIA computer searches. The Commission determined that the average grade and step of staff who charged hours for FOIA projects represents a reasonable agency-wide rate for operator costs in this category. The final rule computer search fee does not include CPU costs, because any agency software or hardware costs directly attributable to searching for responsive records would be difficult to quantify, and likely would be *de minimis.*

Review Fees. The final rule amends § 1015.9(e)(3) regarding fees that the agency charges for the initial review of documents to determine whether any portion of any document may be withheld. The OMB Fee Guidelines permit agencies to establish a reasonable agency-wide average for such costs, where a single class of reviewers is typically involved in the review process. 52 FR 10018.

Currently, § 1015.9(e)(4) sets forth the amount charged for review at $4.90 per quarter-hour. The final rule removes the set dollar figure review fee enumerated in the regulation. Instead, CPSC will charge the review fee on a per-quarter-hour basis, and annually calculate and publish the exact rate, using the basic hourly pay rate of the average grade and step of GCOS staff who charged hours for FOIA review (GS 12/9), plus 16 percent for the allowable OMB benefit rate.

Obsolete Formats. The FOIA requires agencies to provide records in any format requested, if the record is readily reproducible by the agency in that form or format. 5 U.S.C. 552(a)(3)(B). Currently, CPSC routinely produces records in one of three formats: (1) Computer printout, if under 250 pages; (2) compact disc (CD), if more than 250 pages; and (3) electronic files, such as PDF. The final rule clarifies that requesters may request records in paper, CD, or electronic format. The final rule also removes the fee for producing records on microfiche, because this format is obsolete and not routinely produced by the CPSC.

Annual Publication of Fees. The final rule states that CPSC will annually calculate and publish the exact per-quarter-hour rates for searching and reviewing records, using the most recent General Schedule table published by the Office of Personnel Management (OPM). In addition, CPSC will annually calculate and publish the actual cost of CDs, DVDs, and other similar media. CPSC will make exact rates and costs available to the public on the CPSC's FOIA web page. The public can also request information on exact rates and costs from GCOS. The CPSC will annually publish on its FOIA web page the salaries of CPSC employees associated with FOIA searches and reviews, consistent with the FOIA fee-posting practice at several other agencies.

Fee Waivers and Fee Categories. The FOIA requires agencies to provide free search and duplication fees for certain categories of requesters in increments of the first 100 pages of duplication and the first 2 hours of search, rather than in dollar amounts. 5 U.S.C. 552(a)(4)(A)(iv). The final rule incorporates more clearly this statutory requirement into § 1015.9(g), consistent with the OMB Fee Guidelines. 52 FR 10016. Section 1015.9(g)(2) specifies that CPSC will provide for free the first 100 pages of duplication for all non-commercial requesters, consistent with the FOIA and the OMB Fee Guidelines.

The final rule amends § 1015.9(g)(3) to specify that CPSC will provide at no cost, the first 2 hours of search time for all requesters to whom search fees apply, except commercial requesters.

Notice of Anticipated Fees. The OMB Fee Guidelines require agencies to implement procedures for notifying requesters when fees are estimated or determined to exceed $25, and provide those requesters an opportunity to confer with agency staff with the objective of reformulating their request to meet their needs at a lower cost. 52 FR 10018. The CPSC's current FOIA fee regulations lack procedures for providing requesters with notice of anticipated fees in excess of $25 and an opportunity to confer with agency staff. The final rule amends § 1015.9(f) to provide notice of anticipated fees greater than $25, along with the opportunity to confer with staff on costs. The final rule also provides that requesters must commit in writing to pay the actual or estimated fees, or must designate in writing the amount of fees the requester is willing to pay, before the FOIA Office will do further work on a FOIA request.

Restrictions on Assessing Fees. The FOIA and the OMB Fee Guidelines prohibit agencies from charging a fee if the costs of collecting and processing that fee are likely to equal or exceed the fee. 5 U.S.C. 552(a)(4)(A)(iv); 52 FR 10018–19. Currently, § 1015.9(g)(5) states that the CPSC will not request payment if the requester's total bill is less than $9.00. CPSC staff estimates that the current cost to the agency of collecting and processing a fee is $25. Accordingly, the final rule deletes § 1015.9(g)(5), and adds § 1015.9(g)(7), which provides that no fee will be charged when the total fee is equal to or less than $25.

Advance Payment of Fees. The final rule adds § 1015.9(i), which sets forth provisions for requiring advance payment in certain cases before the production of records. The OMB Fee Guidelines instruct agencies that they cannot require a requester to make an advance payment unless: (1) The agency estimates that the allowable charges the requester may be required to pay are likely to exceed $250, in which case, the agency should notify the requester of the likely cost, and obtain satisfactory assurance of full payment, where the requester has a history of prompt payment of FOIA fees, or require payment ''of an amount up [to] the full estimated charges in the case of requesters with no history of payment''; or (2) a requester has previously failed to pay a fee charged in a timely fashion, in which case the agency may require the requester to pay the full amount owed, plus any applicable interest, and to make an advance payment of the full amount of the estimated fee before the agency begins to process a new or pending request. 52 FR 10020. Currently, § 1015.9(g)(3) provides that before the Commission begins processing a request or discloses any information, it will require advance payment if charges are estimated to exceed $250.00 and the requester has no history of payment and cannot provide satisfactory assurance that payment will be made; or a requester failed to pay the Commission for a previous Freedom of Information Act request within 30 days of the billing date. The final rule reflects the language used in the OMB Fee Guidelines. *See* 52 FR 10020. The final rule also codifies the CPSC's current

practices of tolling the processing of the request while notifying the requester that advance payment is due, 5 U.S.C. 552(a)(6)(A)(ii)(II), and closing the request if, after 30 days of receipt, the requester does not respond to the fee notice.

B. Amendments To Reflect Organizational Changes at CPSC

FOIA Office. CPSC changed the organizational structure of the FOIA Office since the FOIA regulations were last amended in 2017. *See* 82 FR 37010. The CPSC's FOIA Office is now housed within the Office of the General Counsel, rather than within the Office of the Secretary; and the Commission's Assistant General Counsel for the Office of the General Counsel, Division of the Secretariat, holds the position of Chief FOIA Officer, rather than the Secretary of the Commission. The final rule amends 16 CFR 1015.1, 1015.2, 1015.3, 1015.4, 1015.5, 1015.6, 1015.7, and 1015.9 to replace the designations ''Secretary of the Commission'', ''Secretary'', or ''Secretariat'' with the title, ''Chief FOIA Officer'', and the final rule also replaces ''Office of the Secretary'' with ''Office of the General Counsel, Division of the Secretariat'' or ''Division of the Secretariat''.

C. Amendment Concerning Appeals

Delegation of Authority. The current regulations are inconsistent regarding the delegation of authority to review and respond to FOIA appeals. The final rule changes §§ 1015.4 and 1015.7(e) to clarify that the CPSC's General Counsel has responsibility for reviewing and responding to FOIA appeals, and adds § 1015.1(d). The Commission delegated this authority to the General Counsel in 1985, 50 FR 7753 (February 26, 1985); however, this authority was not codified in other relevant FOIA provisions.

Remands. Section 1015.7(c) codifies the existing practice regarding FOIA appeals. If the General Counsel grants, in whole or in part, a FOIA appeal, the General Counsel remands the matter to the Chief FOIA Officer for processing and providing the records to the requester, in accordance with the General Counsel's decision.

D. Broadening the Scope of FOIA Exemptions Under 16 CFR 1015.20

Currently, § 1015.5(h) states that the CPSC ''may be unable to comply with the time limits set forth in § 1015.5 when disclosure of documents responsive to a request under this part is subject to the requirements of section 6(b) of the Consumer Product Safety Act.'' However, the regulation does not take into account that, due to statutory obligations, the CPSC also may be unable to comply with the time limits set forth in § 1015.5, when disclosure of documents responsive to a request is subject to section 6(a) of the Consumer Product Safety Act (CPSA). As such, the final rule amends § 1015.5(h) to conform to the statute by replacing the phrase, ''section 6(b) of the Consumer Product Safety Act, 15 U.S.C. 2055(b)'' with the phrase, ''section 6 of the Consumer Product Safety Act, 15 U.S.C. 2055''.

Additionally, the current § 1015.20, which addresses the release of accident or investigation reports, only allows for the application of the investigatory file FOIA exemption and the redaction of the names of injured persons and the persons who treated the injured, pursuant to section 25(c) of the CPSA. Current CPSC practice, however, is to redact all personally identifiable information, including not only the names of injured persons and the persons who treated them, but also the names of other persons incidental to a consumer complaint, pursuant to FOIA exemption (b)(6). *See* 5 U.S.C. 552(b)(6). Rather than limit the applicable FOIA exemptions to the investigatory file exemption only, the final rule amends § 1015.20(a) to clarify that accident and investigation reports are subject to all applicable FOIA exemptions.

E. Miscellaneous Amendments

To ensure proper routing of new FOIA requests and appeals, CPSC's FOIA Office created a separate email address for the submission of new FOIA requests and appeals. That address is *cpscfoiarequests@cpsc.gov.* Accordingly, the final rule updates §§ 1015.3(a) and 1015.7(a) to specify the proper email addresses to submit new FOIA requests and appeals.

F. Environmental Considerations

The CPSC's regulations address whether the agency is required to prepare an environmental assessment or an environmental impact statement. 16 CFR part 1021. These regulations provide a categorical exclusion for certain CPSC actions that normally have ''little or no potential for affecting the human environment.'' 16 CFR 1021.5(c)(1). This final rule falls within the categorical exclusion.

IV. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612, requires that agencies review a proposed rule and a final rule for the rule's potential economic impact on small entities, including small businesses. Section 604 of the RFA generally requires that agencies prepare a final regulatory flexibility analysis (FRFA) when promulgating final rules, unless the head of the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. In this case, we noted in the NPR that neither the Administrative Procedure Act (APA) nor the FOIA statute required CPSC to issue an NPR, but CPSC voluntarily chose to follow notice-and-comment rulemaking.

For the NPR, CPSC staff reviewed the potential impact of the changes proposed in the NPR on small entities. Staff's analysis compared the number of fiscal year (FY) 2018 FOIA requesters to the number of small entities in the relevant North American Industrial Classification System (NAICS) sectors. Based on this analysis, staff concluded it was unlikely that a substantial number of small entities would be impacted by the proposed rule. Staff also concluded that the impact on noncommercial entities would remain essentially unchanged, unless noncommercial requesters opt to receive their documents in paper format, rather than electronically. Staff found that the costs for commercial firms increased more than for other entities; however, requesters would be alerted if costs were expected to be greater than $25; and commercial firms would be expected to proceed with the request (in whole or in part), only if the perceived benefit at least balanced the cost. Finally, staff noted that requesting firms can avoid duplication costs by electing to receive the requested documents electronically.

The Commission sought comment on staff's regulatory analysis in the NPR, and it received none. Because we have no information that would change staff's analysis, the Commission concludes that the final rule will not have a significant impact on a substantial number of small entities.

V. Paperwork Reduction Act

The Paperwork Reduction Act (PRA) establishes certain requirements when an agency conducts or sponsors a ''collection of information.'' 44 U.S.C. 3501–3520. The final rule amends CPSC's regulations to conform to the 2016 Act, updates certain CPSC's procedures by codifying them, and makes other technical changes and corrections. The final rule does not impose any information-collection requirements. Thus, the PRA is not implicated by this final rule.

VI. Executive Order 12988 (Preemption)

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations. Section 26 of

the CPSA explains the preemptive effect of consumer product safety standards issued under the CPSA. 15 U.S.C. 2075. The final rule is not a consumer product safety standard, but rather, the final rule revises a rule of agency practice and procedure, by making revisions and corrections to the agency's FOIA fee regulations. Therefore, section 26 of the CPSA does not apply to this rule.

VII. Congressional Review Act

The Congressional Review Act (CRA; 5 U.S.C. 801–808) states that, before a rule can take effect, the agency issuing the rule must submit the rule, and certain related information, to each House of Congress and the Comptroller General. 5 U.S.C. 801(a)(1). The submission must indicate whether the rule is a ''major rule.'' The CRA states that the Office of Information and Regulatory Affairs (OIRA) determines whether a rule qualifies as a ''major rule.'' Pursuant to the CRA, OIRA designated this rule as not a ''major rule,'' as defined in 5 U.S.C. 804(2). To comply with the CRA, the Office of the General Counsel will submit the required information to each House of Congress and the Comptroller General.

VIII. Effective Date

In accordance with the APA's general requirement that the effective date of a rule be at least 30 days after publication of the final rule, the NPR proposed a 30-day effective date for the final rule. The Commission received no comment on the effective date. Accordingly, the effective date is 30 days after the date of publication of this final rule in the **Federal Register**. 5 U.S.C. 553(d).

List of Subjects in 16 CFR Part 1015

Administrative practice and procedure, Consumer protection, Disclosure of information, Freedom of information.

For the reasons discussed above, in accordance with the provisions of 5 U.S.C. 553 and the authority in the Consumer Product Safety Act, 15 U.S.C. 2051 *et seq.,* CPSC amends part 1015 of title 16, chapter II, of the Code of Federal Regulations, as follows:

PART 1015—PROCEDURES FOR DISCLOSURE OR PRODUCTION OF INFORMATION UNDER THE FREEDOM OF INFORMATION ACT

■ 1. The authority citation for part 1015 continues to read as follows:

Authority: 15 U.S.C. 2051–2084; 15 U.S.C. 1261–1278; 15 U.S.C. 1471–1476; 15 U.S.C. 1211–1214; 15 U.S.C. 1191–1204; 15 U.S.C. 8001–8008; Pub. L. 110–278, 122 Stat. 2602; 5 U.S.C. 552.

■ 2. Amend § 1015.1 as follows:
■ a. In paragraph (c), remove the words ''Secretariat of the Commission'' and add in their place ''Assistant General Counsel, Office of the General Counsel, Division of the Secretariat''; and
■ b. Add paragraph (d).

The addition reads as follows:

§ 1051.1 Purpose and scope.

* * * * *

(d) The General Counsel is the designated authority for the Commission's Freedom of Information Act (FOIA) appeals and is responsible for reviewing and responding to appeals from denials or partial denials of requests for records under this chapter.

■ 3. Revise § 1015.2 to read as follows:

§ 1015.2 Public inspection.

(a) The Consumer Product Safety Commission (CPSC) will maintain in a public reference room or area the materials relating to the CPSC that are required by 5 U.S.C. 552(a)(2) and 552(a)(5) to be made available for public inspection in an electronic format. The principal location will be in the Office of the General Counsel, Division of the Secretariat. The address of this office is: Office of the General Counsel, Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814.

(b) The CPSC will maintain an electronic reading room on the internet at: *https://www.cpsc.gov* for records that are required by 5 U.S.C. 552(a)(2) to be available by computer telecommunications. Records that the FOIA requires CPSC to make available for public inspection in an electronic format can be accessed through the CPSC's FOIA web page, which is accessible by visiting: *https://www.cpsc.gov.*

(c) Subject to the requirements of section 6 of the Consumer Product Safety Act (CPSA), the CPSC will make available for public inspection in an electronic format, copies of all records, regardless of form or format, which:

(1) Have been released to any person under 5 U.S.C. 552(a)(3);

(2) Because of the nature of their subject matter, the FOIA Office determines have become or are likely to become the subject of subsequent requests for substantially the same records; or

(3) Have been requested three or more times.

§ 1015.3 [Amended]

■ 4. Amend § 1015.3 as follows:
■ a. In paragraph (a), remove the word ''Secretariat'' and add in its place the words ''Chief FOIA Officer'' and remove ''*cpsc-foia@cpsc.gov*'' and add in its place ''*cpscfoiarequests@cpsc.gov*''; and
■ b. In paragraphs (d) and (e), remove the word ''Secretariat'' and add in its place the words ''Chief FOIA Officer''.

■ 5. Revise § 1015.4 to read as follows:

§ 1015.4 Responses to requests for records; responsibility.

The ultimate responsibility for responding to requests for records is vested in the Chief FOIA Officer of the Consumer Product Safety Commission. The Chief FOIA Officer, or the delegate of the Chief FOIA Officer, can respond directly, or forward the request to any other office of the CPSC for response. The Chief FOIA Officer's response shall be in the form set forth in § 1015.7(d), for action on appeal. If no response is made by the FOIA Office within 20 working days, or any extension of the 20-day period, the requester and the General Counsel or the delegate of the General Counsel can take the action specified in § 1015.7(e).

■ 6. Amend § 1015.5 by revising paragraphs (a) through (d), (f), (g) introductory text, (g)(3) through (5), and (h) to read as follows:

§ 1015.5 Time limitation on responses to requests for records and requests for expedited processing.

(a) The Chief FOIA Officer, or the delegate of the Chief FOIA Officer, shall respond to all written requests for records within twenty (20) working days (excepting Saturdays, Sundays, and legal public holidays). The time limitations on responses to requests for records submitted by mail shall begin to run at the time a request for records is received and date-stamped by the Office of the General Counsel, Division of the Secretariat. The Office of the General Counsel, Division of the Secretariat shall date-stamp the request the same day that it receives the request. The time limitations on responses to requests for records submitted electronically during working hours (8 a.m. to 4:30 p.m. EST) shall begin to run at the time the request was electronically received, and the time limitations on responses to requests for records submitted electronically during non-working hours will begin to run when working hours resume.

(b) The time for responding to requests for records can be extended by the Chief FOIA Officer at the initial stage, or by the General Counsel, at the appellate stage, up to an additional ten (10) working days, under the following unusual circumstances:

(1) The need to search for and collect the requested records from field

facilities or other establishments that are separate from the Office of the General Counsel, Division of the Secretariat;

(2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request; or

(3) The need to consult, which shall be conducted with all practicable speed, with another agency having a substantial interest in the determination of the request, or among two or more components of the CPSC having substantial subject matter interest.

(c) Any extension of time must be accompanied by written notice to the person making the request, setting forth the reason(s) for such extension, and the time within which a response is expected.

(d) If the Chief FOIA Officer at the initial stage, or the General Counsel at the appellate stage, determines that an extension of time greater than ten (10) working days is necessary to respond to a request satisfying the ''unusual circumstances'' specified in paragraph (b) of this section, the Chief FOIA Officer, or the General Counsel, shall notify the requester, and give the requester the opportunity to:

(1) Limit the scope of the request so that it may be processed within the time limit prescribed in paragraph (b) of this section; or

(2) Arrange with the Chief FOIA Officer, or the General Counsel, an alternative time frame for processing the request or a modified request.

* * * * *

(f) The Chief FOIA Officer, or the delegate of the Chief FOIA Officer, may aggregate and process as a single request, requests by the same requester, or a group of requesters acting in concert, if the Chief FOIA Officer, or delegate, reasonably believes that the requests actually constitute a single request that would otherwise satisfy the ''unusual circumstances'' specified in paragraph (b) of this section, and the requests involve clearly related matters.

(g) The Chief FOIA Officer, or the delegate of the Chief FOIA Officer, will provide expedited processing of requests in cases where the requester requests expedited processing and demonstrates a compelling need for such processing.

* * * * *

(3) The Chief FOIA Officer or the delegate of the Chief FOIA Officer will determine whether to grant a request for expedited processing and will notify the requester of such determination within ten (10) calendar days of receipt of the request.

(4) Denials of requests for expedited processing may be appealed to the Office of the General Counsel, as set forth in § 1015.7. The General Counsel will determine expeditiously any such appeal.

(5) The Chief FOIA Officer, or the delegate of the Chief FOIA Officer, will process, as soon as is practicable, the documents responsive to a request for which expedited processing is granted.

(h) The Chief FOIA Officer may be unable to comply with the time limits set forth in paragraphs (a) through (d) of this section, when disclosure of documents responsive to a request under this part is subject to the requirements of section 6 of the Consumer Product Safety Act, 15 U.S.C. 2055, and the regulations implementing that section, 16 CFR part 1101. The Chief FOIA Officer, or the delegate of the Chief FOIA Officer, will notify requesters whose requests will be delayed for this reason.

■ 7. Amend § 1015.6 as follows:

■ a. In paragraphs (a) and (b) introductory text, remove the word ''Secretariat'' and add in its place the words ''Chief FOIA Officer'';

■ b. Revise paragraph (b)(4); and

■ c. In paragraph (c), remove the word ''Secretariat'' and add in its place the words ''Chief FOIA Officer''.

The revision reads as follows:

§ 1015.6 Responses: Form and content.

* * * * *

(b) * * *

(4) A statement that the denial can be appealed to the General Counsel, as specified in § 1015.1(d). Any such appeal must be made within 90 calendar days after the date of the denial or partial denial from the Chief FOIA Officer, or the delegate of the Chief FOIA Officer.

* * * * *

■ 8. Amend § 1015.7 by revising the section heading and paragraphs (a) through (e) and (g) and removing the parenthetical authority citation at the end of the section to read as follows:

§ 1015.7 Appeals from initial denials.

(a) When the Chief FOIA Officer, or the delegate of the Chief FOIA Officer, has denied a request for records, in whole or in part, the requester can, within 90 calendar days after the date of the denial or partial denial, appeal the denial to the General Counsel of the Consumer Product Safety Commission, attention: Division of the Secretariat. Appeals may be submitted through any of the following methods: the e-FOIA Public Access Link at *https://www.cpsc.gov;* email to: *cpscfoiarequests@cpsc.gov;* U.S. mail to: 4330 East-West Highway, Room 820, Bethesda, MD 20814; or by facsimile to: 301–504–0127. To facilitate handling, the requester should mark both the appeal letter and envelope, or subject line of the electronic transmission, ''Freedom of Information Act Appeal.''

(b) The General Counsel will act upon an appeal within 20 working days of its receipt. The time limitations on an appeal submitted by mail shall begin to run at the time an appeal is received and date-stamped by the Division of the Secretariat. The Division of the Secretariat will date-stamp the appeal the same day that it receives the appeal. The time limitations on an appeal submitted electronically during working hours (8 a.m. to 4:30 p.m. EST) shall begin to run at the time the appeal is received electronically; and the time limitations on appeals submitted electronically during non-working hours will begin to run when working hours resume.

(c) After reviewing the appeal, the General Counsel will issue a decision either to grant or deny the appeal, in whole or in part. If the General Counsel decides to grant the appeal in whole or in part, the General Counsel will inform the requester and submitter of the information, in accordance with §§ 1015.6(a) and 1015.18(b). Thereafter, the Chief FOIA Officer will provide the records in accordance with the General Counsel's decision.

(d) The General Counsel shall have the authority to grant or deny all appeals and, as an exercise of discretion, to disclose records exempt from mandatory disclosure under 5 U.S.C. 552(b). In unusual or difficult cases, the General Counsel can, in his/her discretion, refer an appeal to the Chairman for determination.

(e) The General Counsel's decision on appeal shall be in writing, shall be signed by the General Counsel, and shall constitute final agency action. A denial in whole or in part of a request on appeal shall set forth the exemption relied upon; a brief explanation, consistent with the purpose of the exemption, of how the exemption applies to the records withheld; and the reasons for asserting it. The decision will inform the requester of the right to seek dispute resolution services from CPSC's FOIA Liaison, or the Office of Government Information Services. A denial in whole or in part shall also inform the requester of his/her right to seek judicial review of the General Counsel's final determination in a

United States district court, as specified in 5 U.S.C. 552(a)(4)(B).

* * * * *

(g) Copies of all appeals and copies of all actions on appeal shall be furnished to and maintained in a public file by the Office of the General Counsel, Division of the Secretariat.

■ 9. Amend § 1015.9 as follows:

■ a. Revise paragraphs (a) and (e) through (g); and

■ b. Add paragraphs (h) and (i).

The revisions and additions read as follows:

§ 1015.9 Fees for production of records.

(a) The CPSC will provide, at no charge, certain routine information. For other CPSC responses to information requests, the Chief FOIA Officer, or the delegate of the Chief FOIA Officer, shall determine and levy fees for duplication, search, review, and other services, in accordance with this section.

* * * * *

(e) The following fee schedule will apply:

(1) *Duplication.* (i) Manual photocopies: $0.15 per page.

(ii) Computer printouts that are sent from a computer to a printer or photocopier machine: $0.15 per page.

(iii) Compact discs, DVDs, or other similar media duplications: Direct-cost basis. The exact fees for duplication of records on these forms of media will be calculated and published annually and are available to the public on the CPSC's FOIA web page at: *https://www.cpsc.gov,* and from the Office of the General Counsel, Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814.

(iv) There is no duplication fee for producing records provided to requesters in electronic format, or for pages redacted in full in any format.

(v) Requesters can request and be provided records in any format that is readily reproducible by the agency, including electronic format.

(vi) When records available only in paper format must be scanned to comply with a requester's preference to receive records in an electronic format, the requester must pay the direct costs of scanning those materials. The exact fees for scanning these materials will be assessed on a quarter-hour basis, will be calculated and published annually, and are available to the public on the CPSC's FOIA web page at: *https://www.cpsc.gov,* and from the Office of the General Counsel, Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814.

(2) *Searches.* Fees for searches are assessed on a quarter-hour basis. The exact fees for searches are calculated and published annually and are available to the public on the CPSC's FOIA web page at: *https://www.cpsc.gov,* and from the Office of the General Counsel, Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814.

(i) *Manual file searches.* Manual search fees are calculated using the basic hourly pay rate of the average grade and step of employees who charged hours in this category (GS 14/7), plus 16 percent to account for the cost of benefits.

(ii) *Computer searches.* Computer search fees are calculated using the basic hourly pay rate of the average grade and step of employees who charged hours in this category (GS 12/4), plus 16 percent to account for the cost of benefits.

(3) *Review.* Fees for review are assessed on a quarter-hour basis. The exact fee for review is calculated and published annually and is available to the public on the CPSC's FOIA web page at: *https://www.cpsc.gov* and from the Office of the General Counsel, Division of the Secretariat, Consumer Product Safety Commission, Room 820, 4330 East-West Highway, Bethesda, MD 20814. The review fee is calculated using the basic hourly pay rate of the average grade and step of employees who charged hours in this category (GS 12/9), plus 16 percent to account for the cost of benefits. Fees for reviewing records will only be charged to commercial requesters.

(4) *Postage.* If the requester wants special handling, or if the volume or dimensions of the materials requires special handling, the FOIA Office will charge the direct cost of mailing such requested materials.

(5) *Other charges.* (i) Materials requiring special reproducing or handling, such as photographs, slides, blueprints, video and audio tape recordings, or other similar media: Direct-cost basis.

(ii) Any other service: Direct-cost basis.

(f) Notice of anticipated fees in excess of $25:

(1) When the FOIA Office determines or estimates that the fees to be assessed will exceed $25, the FOIA Office shall promptly notify the requester of the actual or estimated amount of the fees, including a breakdown of the fees for search, review, and duplication, if applicable, and any applicable fee waivers that would apply to the request, unless the requester has indicated a willingness to pay fees as high as those anticipated. The notice shall specify that the requester may confer with agency staff with the objective of reformulating the request to meet the requester's needs at a lower cost. If only a portion of the fee can be estimated readily, the FOIA Office will advise the requester, accordingly. If the request is not from a commercial use requester, the notice shall specify that the requester is entitled to 100 pages of duplication at no charge, and if the requester is charged search fees, 2 hours of search time at no charge.

(2) When a requester has been provided notice of anticipated fees in excess of $25, the FOIA Office shall toll processing of the request, and further work will not be completed until the requester commits in writing to pay the actual or estimated total fee, or designates the amount of fees the requester is willing to pay. In the case of a requester who is not a commercial requester, the requester may designate that the requester seeks only those services that can be provided in paragraphs (g)(2) and (3) of this section, without charge. The CPSC is not required to accept payment in installments.

(3) If the requester has committed to pay a designated amount of fees, but the FOIA Office determines or estimates that the total fee will exceed that amount, the FOIA Office shall toll processing of the request and notify the requester of the actual or estimated fees in excess of the requester's commitment. The FOIA Office shall inquire whether the requester wishes to revise the amount of fees the requester is willing to pay or wishes to modify the request. Once the requester responds, the administrative time limits in § 1015.5 will resume.

(4) The Chief FOIA Officer shall make available the FOIA Public Liaison to assist requesters in reformulating a request to meet the requester's needs at a lower cost.

(5) If a requester does not commit in writing to pay the actual or estimated total fee or designate in writing the amount of fees the requester is willing to pay within 30 working days from the date of the notification letter, the request shall be closed. The FOIA Office shall notify the requester that the request has been closed.

(6) Any adverse determination made by the Chief FOIA Officer, or the designee of the Chief FOIA Officer, concerning a dispute over actual or estimated fees can be appealed by the requester to the General Counsel, in the manner described at § 1015.7.

(g)(1) There are three categories of requesters: Commercial; educational institutions, noncommercial scientific institutions, and representatives of the news media; and all other requesters, including members of the general public.

TABLE 1 TO PARAGRAPH (g)(1)

Requester category	Search	Review	Duplication
Commercial (including law firms)	Fee	Fee	Fee.
Educational, noncommercial scientific institutions, or news media.	No Fee	No Fee	Fee after first 100 pages.
All other requesters (including members of the general public).	Fee After First 2 Hours	No Fee	Fee after first 100 pages.

(2) Fees shall be assessed as follows:

(i) Full fees shall apply to commercial-use requests.

(ii) The first 100 pages of duplication shall be free for requests from the categories of educational institutions, noncommercial scientific institutions, representatives of the news media, and all other requesters (including members of the general public).

(iii) The first 2 hours of search time shall be free for the category of all other requesters (including members of the general public).

(iv) The Chief FOIA Officer, or the designee of the Chief FOIA Officer, shall waive or reduce fees whenever disclosure of the requested information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the Government, and disclosure of the requested information is not primarily in the commercial interest of the requester.

(v) In making a determination under paragraph (g)(2)(iv) of this section, the Chief FOIA Officer, or the designee of the Chief FOIA Officer, shall consider the following factors:

(A) The subject of the request: Whether the subject of the requested records concerns the operations or activities of the Government.

(B) The informative value of the information to be disclosed: Whether the disclosure is likely to contribute to an understanding of Government operations or activities.

(C) The contribution to an understanding of the subject by the general public likely to result from disclosure: Whether disclosure of the requested information will contribute to public understanding.

(D) The significance of the contribution to public understanding: Whether the disclosure is likely to contribute significantly to public understanding of Government operations or activities.

(E) The existence and magnitude of a commercial interest: Whether the requester has a commercial interest that would be furthered by the requested disclosure; and, if so

(F) The primary interest in disclosure: Whether the magnitude of the identified commercial interest of the requester is sufficiently large, in comparison with the public interest in disclosure, that disclosure is primarily in the commercial interest of the requester.

(vi) Search fees shall not be charged for all requests and duplication fees shall not be charged for requests from educational institutions, noncommercial scientific institutions, and representatives of the news media, if the FOIA Office fails to comply with any time limit under §§ 1015.5(a) and (g)(3) and 1015.7(b) and 5 U.S.C. 552(a)(6), other than the exceptions stated in 5 U.S.C. 552(a)(4)(A)(viii)(ll). Those exceptions include:

(A) If the FOIA Office has determined that ''unusual circumstances,'' as defined in § 1015.5(b) apply, and the FOIA Office provided timely written notice to the requester, as required by § 1015.5(c) or § 1015.7(f), then failure to comply with the time limit in §§ 1015.5(a) and (g)(3) and 1015.7(b) and 5 U.S.C. 552(a)(6) is excused for 10 additional working days; or

(B) If the FOIA Office has determined that ''unusual circumstances,'' as defined in § 1015.5(b), apply and more than 5,000 pages are necessary to respond to the request, and the FOIA Office has provided timely written notice in accordance with § 1015.5(c) and (e), and the FOIA Office has discussed with the requester via written mail, email, or telephone (or has made not less than three good-faith efforts to do so), how the requester could effectively limit the scope of the request; or

(C) If a court has determined that exceptional circumstances exist, as defined in 5 U.S.C. 552(a)(6)(C), then failure to comply with §§ 1015.5(a) and (g)(3) and 1015.7(b) and 5 U.S.C. 552(a)(6) shall be excused for the length of time provided by the court order.

(vii) No fee will be charged when the total fee is equal to or less than $25.

(viii) Any determination made by the Chief FOIA Officer, or the designee of the Chief FOIA Officer, concerning fee reductions or fee waivers may be appealed by the requester to the General Counsel, in the manner described at § 1015.7.

(h) Collection of fees shall be in accordance with the following:

(1) Interest will be charged on amounts billed, starting on the 31st day following the day on which the requester receives the bill. Interest will be charged at the rate prescribed in 31 U.S.C. 3717.

(2) Search fees may be charged, even if no responsive documents are located, or if the search leads to responsive documents that are withheld under an exemption to the Freedom of Information Act.

(3) The FOIA Office may aggregate requests, for the purposes of billing, whenever it reasonably believes that a requester, or, on rare occasions, a group of requesters, is attempting to separate a request into more than one request to evade fees. The FOIA Office shall not aggregate multiple requests on unrelated subjects from one requester.

(i)(1) For requests other than those described in paragraphs (i)(2) and (3) of this section, the FOIA Office shall not require a requester to make advance payment (*i.e.,* payment made before the FOIA Office commences or continues work on a request). Payment owed for work already completed (*i.e.,* payment before copies are sent to a requester) does not constitute an advance payment for purposes of this part.

(2) When the FOIA Office determines or estimates that a total fee to be charged under this section will exceed $250, and the requester has no history of payment, the FOIA Office shall notify the requester of the actual or estimated fee, and may require the requester to make an advance payment of the entire anticipated fee before beginning to process the request. A notice under this paragraph (i)(2) shall offer the requester an opportunity to discuss the matter with FOIA Office staff to modify the

request to meet the requester's needs at a lower cost.

(3) When a requester has previously failed to pay a properly charged FOIA fee to the CPSC within 30 calendar days of the date of billing, the FOIA Office may notify the requester that the requester is required to pay the full amount owed, plus any applicable interest, and to make an advance payment of the full amount of any anticipated fee, before the FOIA Office begins to process a new request or continues processing a pending request from that requester.

(4) When the CPSC FOIA Office requires advance payment, the FOIA Office will not further process the request until the required payment is made. The FOIA Office will toll the processing of the request while it notifies the requester of the advanced payment due, and the administrative time limits in § 1015.5 will begin only after the agency has received the advance payments. If the requester does not pay the advance payment within 30 calendar days from the date of the FOIA Office's fee notice, the FOIA Office will presume that the requester is no longer interested in the records and notify the requester that the request has been closed.

§ 1015.20 [Amended]

■ 10. Amend § 1015.20(a) by removing the phrase ''the investigatory file exemption'' and adding in its place the word ''exemptions''.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2020–28336 Filed 1–28–21; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2021–0056]

RIN 1625–AA00

Emergency Safety Zone; Humboldt Bay Bar Entrance Closure for Piloted Vessels, Humboldt Bay, Eureka, CA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone in the navigable waters of the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel, of Eureka, CA. This emergency safety zone is in support of the safe navigation of piloted vessels transiting and is needed to protect life, vessels, and the maritime environment from potential hazards posed by the wreckage of a fishing vessel that sank near the Channel on January 24, 2021. The location of the wreckage is currently unknown. Due to heavy weather conditions, a proper survey of the wreckage cannot be immediately completed. Unauthorized piloted vessels are prohibited from entering into, transiting through, or remaining in the safety zone without permission from the Captain of the Port San Francisco or a designated representative.

DATES: This rule is effective without actual notice from January 29, 2021 through 11:59 p.m. on February 10, 2021. For the purposes of enforcement, actual notice will be used from 12 p.m. January 26, 2021 through January 29, 2021.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2021–0056 in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Anthony Solares, Waterways Management, U.S. Coast Guard; telephone (415) 399–7443, email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port San Francisco
DHS Department of Homeland Security
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking with respect to this rule because it is impracticable. The Coast Guard received notice of the wrecked vessel and the resulting immediate need for this safety zone on January 24, 2021. It is impracticable to go through the full rulemaking process, including providing a reasonable comment period and considering those comments, because the Coast Guard must establish this emergency temporary safety zone by January 26, 2021.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule would be contrary to public interest because immediate action is needed to protect personnel, vessels, and the marine environment from potential hazards within the Humboldt Bay Bar entrance created by a recently wrecked vessel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034 (previously 33 U.S.C. 1231). The Captain of the Port San Francisco has determined that potential hazards associated with a vessel marine casualty exist within the entrance of the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel. This rule is needed to protect personnel and piloted vessels transiting through the potentially hazardous section of the navigable waters until the wreckage can be located and addressed.

IV. Discussion of the Rule

This rule establishes a temporary safety zone in navigable waters of the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel, of Eureka, CA from January 26, 2021 at 12:00 p.m. through February 10, 2021 at 11:59 p.m. The effect of the temporary safety zone will be to prohibit unauthorized navigation by piloted vessels within the Humboldt Bay Bar Channel while the hazards associated with a recent marine casualty exist. Except for piloted vessels authorized by the Captain of the Port or a designated representative, no piloted vessel may enter or remain in the restricted area. A ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the COTP in the enforcement of the safety zone.

V. Regulatory Analyses

We developed this rule after considering numerous statutes and Executive orders related to rulemaking. Below we summarize our analyses based on a number of these statutes and

Executive orders, and we discuss First Amendment rights of protestors.

A. Regulatory Planning and Review

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits. This rule has not been designated a ''significant regulatory action,'' under Executive Order 12866. Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the limited duration and narrowly tailored geographic area of the safety zone, and its application only to piloted vessels. Although this rule restricts access to the water encompassed by the safety zone, the effect of this rule will not be significant because the significant majority of vessel traffic is not piloted so will not be impacted. Moreover, the Coast Guard will issue Broadcast Notice to Mariners via VHF–23A about the zone, and the rule allows piloted vessels desiring to transit through the temporary safety zone to do so upon express permission from the COTP or the COTP's designated representative.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

While some owners or operators of vessels intending to transit the temporary safety zone may be small entities, for the reasons stated in section V.A. above, this rule will not have a significant economic impact on any vessel owner or operator.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Governments

A rule has implications for federalism under Executive Order 13132, Federalism, if it has a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. We have analyzed this rule under that Order and have determined that it is consistent with the fundamental federalism principles and preemption requirements described in Executive Order 13132.

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

E. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone established to deal with an emergency situation, lasting just over two weeks, that will prohibit unauthorized entry by piloted vessels to the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel. It is categorically excluded from further review under paragraph L60(d) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 01. Because this safety zone is established in response to an emergency situation and is one week or longer in duration, a Record of Environmental Consideration (REC) supporting this determination will be prepared and submitted after publication of this rule, and will be made available as indicated in the **ADDRESSES** section of this preamble.

G. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places, or vessels.

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 1. The authority citation for part 165 continues to read as follows:

Authority: 46 U.S.C. 70034, 70051; 33 CFR 1.05–1, 6.04–1, 6.04–6, and 160.5; Department of Homeland Security Delegation No. 0170.1.

■ 2. Add § 165.T11–046 to read as follows:

§ 165.T11–046 Emergency Safety Zone; Humboldt Bay Bar Entrance Closure for Piloted Vessels, Humboldt Bay, Eureka, CA

(a) *Location.* The following area is a safety zone: All navigable waters of the Humboldt Bay Bar Channel and the Humboldt Bay Entrance Channel, of Eureka, CA.

(b) *Definitions.* As used in this section, ''designated representative'' means a Coast Guard Patrol Commander, including a Coast Guard coxswain, petty officer, or other officer operating a Coast Guard vessel or a Federal, State, or local officer designated by or assisting the Captain of the Port San Francisco (COTP) in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, a piloted vessel may not enter the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) The safety zone is closed to all piloted vessel traffic, except as may be permitted by the COTP or the COTP's designated representative.

(3) An operator of a piloted vessel desiring to enter or operate within the safety zone must contact the COTP or the COTP's designated representative to obtain permission to do so. Piloted vessel operators given permission to enter or operate in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative. Piloted vessels may request permission to enter the safety zone on VHF–23A or through the 24-hour Command Center at telephone (415) 399–3547.

(d) *Enforcement period.* This section will be enforced from January 26, 2021 at 12:00 p.m. until Febuary 10, 2021 at 11:59 p.m., or as announced via Broadcast Notice to Mariners.

(e) *Information broadcasts.* The COTP or the COTP's designated representative will notify the maritime community of periods during which this zone will be enforced in accordance with 33 CFR 165.7.

Dated: January 26, 2021.

Marie B. Byrd,

Captain, U.S. Coast Guard, Captain of the Port, San Francisco.

[FR Doc. 2021–01993 Filed 1–28–21; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 64

[Docket ID FEMA–2021–0003; Internal Agency Docket No. FEMA–8663]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: This rule identifies communities where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP) that are scheduled for suspension on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will not occur. Information identifying the current participation status of a community can be obtained from FEMA's CSB available at *www.fema.gov/flood-insurance/work-with-nfip/community-status-book.* Please note that per Revisions to Publication Requirements for Community Eligibility Status Information Under the National Flood Insurance Program, notices such as this one for scheduled suspension will no longer be published in the **Federal Register** as of June 2021 but will be available at National Flood Insurance Community Status and Public Notification|*FEMA.gov.* Individuals without internet access will be able to contact their local floodplain management official and/or State NFIP Coordinating Office directly for assistance.

DATES: The effective date of each community's scheduled suspension is the third date (''Susp.'') listed in the third column of the following tables.

FOR FURTHER INFORMATION CONTACT: If you want to determine whether a particular community was suspended on the suspension date or for further information, contact Adrienne L. Sheldon, PE, CFM, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 400 C Street SW, Washington, DC 20472, (202) 674–1087. Details regarding updated publication requirements of community eligibility status information under the NFIP can be found on the CSB section at *www.fema.gov.*

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase Federal flood insurance that is not otherwise generally available from private insurers. In return, communities agree to adopt and administer local floodplain management measures aimed at protecting lives, new and substantially improved construction, and development in general from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits the sale of NFIP flood insurance unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with NFIP regulations, 44 CFR part 59. Accordingly, the communities will be suspended on the effective date listed in the third column. As of that date, flood insurance will no longer be available in the community. FEMA recognizes communities may adopt and submit the required documentation after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue to be eligible for the sale of NFIP flood insurance. Their current NFIP participation status can be verified at anytime on the CSB section at *fema.gov.*

In addition, FEMA publishes a Flood Insurance Rate Map (FIRM) that identifies the Special Flood Hazard Areas (SFHAs) in these communities. The date of the published FIRM is indicated in the fourth column of the table. No direct federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may be provided for construction or acquisition of buildings in identified SFHAs for communities not participating in the NFIP and identified for more than a year on FEMA's initial FIRM for the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of federal assistance becomes effective for the communities listed on the date shown in the last column. The Administrator finds that notice and public comment procedures under 5 U.S.C. 553(b), are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives 6-month, 90-day, and 30-day notification letters addressed to the Chief Executive Officer stating that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications were made, this final rule may take effect within less than 30 days.

National Environmental Policy Act. FEMA has determined that the community suspension(s) included in this rule is a non-discretionary action and therefore the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) does not apply.

Regulatory Flexibility Act. The Administrator has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, Section 1315, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless remedial action takes place.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This rule meets the applicable standards of Executive Order 12988.

Paperwork Reduction Act. This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

■ 1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 *et seq.;* Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp.; p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp.; p. 376.

§ 64.6 [Amended]

■ 2. The tables published under the authority of § 64.6 are amended as follows:

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region I				
New Hampshire:				
Exeter, Town of, Rockingham County.	330130	May 12, 1975, Emerg; May 17, 1982, Reg; January 29, 2021, Susp.	January 29, 2021	January 29, 2021.
Greenland, Town of, Rockingham County.	330210	May 19, 1976, Emerg; May 17, 1989, Reg; January 29, 2021, Susp.	.....do	Do.
Hampton, Town of, Rockingham County.	330132	July 25, 1974, Emerg; July 3, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Hampton Falls, Town of, Rockingham County.	330133	October 31, 1975, Emerg; April 15, 1982, Reg; January 29, 2021, Susp.	.....do	Do.
New Castle, Town of, Rockingham County.	330135	September 10, 1975, Emerg; August 5, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Newfields, Town of, Rockingham County.	330228	July 26, 1978, Emerg; June 5, 1989, Reg; January 29, 2021, Susp.	.....do	Do.
Newington, Town of, Rockingham County.	330229	N/A, Emerg; July 27, 2006, Reg; January 29, 2021, Susp.	.....do	Do.
Newmarket, Town of, Rockingham County.	330136	August 26, 1975, Emerg; May 2, 1991, Reg; January 29, 2021, Susp.	.....do	Do.
North Hampton, Town of, Rockingham County.	330232	November 17, 1975, Emerg; June 3, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Portsmouth, City of, Rockingham County.	330139	July 10, 1975, Emerg; May 17, 1982, Reg; January 29, 2021, Susp.	.....do	Do.
Rye, Town of, Rockingham County.	330141	September 8, 1975, Emerg; June 17, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Seabrook, Town of, Rockingham County.	330143	March 30, 1978, Emerg; June 17, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Seabrook Beach Village District, Rockingham County.	330854	N/A, Emerg; September 17, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Stratham, Town of, Rockingham County.	330197	September 26, 1977, Emerg; May 17, 1989, Reg; January 29, 2021, Susp.	.....do	Do.
Village District of Little Boar's Head, Rockingham County.	330856	N/A, Emerg; June 27, 2017, Reg; January 29, 2021, Susp.	.....do	Do.
Region III				
Virginia:				

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Frederick County, Unincorporated Areas.	510063	November 5, 1973, Emerg; July 17, 1978, Reg; January 29, 2021, Susp.	.....do	Do.
Middletown, Town of, Frederick County.	510274	February 24, 1975, Emerg; August 3, 1984, Reg; January 29, 2021, Susp.	.....do	Do.
Stephens City, Town of, Frederick County.	510064	June 17, 1975, Emerg; September 10, 1984, Reg; January 29, 2021, Susp.	.....do	Do.
Winchester, City of, Independent City.	510173	September 6, 1974, Emerg; November 15, 1978, Reg; January 29, 2021, Susp.	.....do	Do.
Region IV				
Kentucky:				
Bell County, Unincorporated Areas.	210010	March 28, 1975, Emerg; February 18, 1981, Reg; January 29, 2021, Susp.	.....do	Do.
Boyd County, Unincorporated Areas.	210016	December 12, 1975, Emerg; December 2, 1980, Reg; January 29, 2021, Susp.	.....do	Do.
Pineville, City of, Bell County.	210012	November 21, 1973, Emerg; June 1, 1978, Reg; January 29, 2021, Susp.	.....do	Do.
South Carolina:				
Awendaw, Town of, Charleston County.	450262	N/A, Emerg; June 28, 1993, Reg; January 29, 2021, Susp.	.....do	Do.
Charleston, City of, Berkeley and Charleston Counties.	455412	October 30, 1970, Emerg; April 9, 1971, Reg; January 29, 2021, Susp.	.....do	Do.
Folly Beach, City of, Charleston County.	455415	September 11, 1970, Emerg; April 2, 1971, Reg; January 29, 2021, Susp.	.....do	Do.
Hollywood, Town of, Charleston County.	450037	February 18, 1986, Emerg; June 17, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Isle of Palms, City of, Charleston County.	455416	September 4, 1970, Emerg; April 2, 1971, Reg; January 29, 2021, Susp.	.....do	Do.
James Island, Town of, Charleston County.	450263	June 30, 1970, Emerg; July 10, 2017, Reg; January 29, 2021, Susp.	.....do	Do.
Kiawah Island, Town of, Charleston County.	450257	June 30, 1970, Emerg; April 23, 1971, Reg; January 29, 2021, Susp.	.....do	Do.
McClellanville, Town of, Charleston County.	450039	December 16, 1975, Emerg; March 16, 1981, Reg; January 29, 2021, Susp.	.....do	Do.
Rockville, Town of, Charleston County.	450249	N/A, Emerg; March 9, 1998, Reg; January 29, 2021, Susp.	.....do	Do.
Sullivan's Island, Town of, Charleston County.	455418	September 18, 1970, Emerg; April 2, 1971, Reg; January 29, 2021, Susp.	.....do	Do.
Region V				
Indiana: Evansville, City of, Vanderburgh County.	180257	June 25, 1971, Emerg; October 15, 1981, Reg; January 29, 2021, Susp.	.....do	Do.
Region VI				
Texas:				
Fort Bend County, Unincorporated Areas.	480228	N/A, Emerg; March 19, 1987, Reg; January 29, 2021, Susp.	.....do	Do.
Fulshear, City of, Fort Bend County.	481488	April 3, 1981, Emerg; July 31, 1981, Reg; January 29, 2021, Susp.	.....do	Do.
Rosenberg, City of, Fort Bend County.	480232	July 21, 1975, Emerg; December 4, 1984, Reg; January 29, 2021, Susp.	.....do	Do.
Simonton, City of, Fort Bend County.	481564	March 4, 1980, Emerg; August 4, 1987, Reg; January 29, 2021, Susp.	.....do	Do.

State and location	Community No.	Effective date authorization/ cancellation of sale of flood insurance in community	Current effective map date	Date certain federal assistance no longer available in SFHAs
Region VII				
Iowa:				
Bremer County, Unincorporated Areas.	190847	August 12, 1980, Emerg; July 16, 1990, Reg; January 29, 2021, Susp.	.....do	Do.
Chillicothe, City of, Wapello County.	190269	January 25, 2007, Emerg; N/A, Reg; January 29, 2021, Susp.	.....do	Do.
Denver, City of, Bremer County.	190026	May 27, 1975, Emerg; July 16, 1990, Reg; January 29, 2021, Susp.	.....do	Do.
Dunlap, City of, Harrison County.	190144	June 25, 1975, Emerg; September 18, 1985, Reg; January 29, 2021, Susp.	.....do	Do.
Eddyville, City of, Mahaska, Monroe and Wapello Counties.	190270	October 20, 1975, Emerg; August 1, 1987, Reg; January 29, 2021, Susp.	.....do	Do.
Eldon, City of, Wapello County.	190271	January 27, 1976, Emerg; May 1, 1987, Reg; January 29, 2021, Susp.	.....do	Do.
Frederika, City of, Bremer County.	190027	N/A, Emerg; December 7, 1990, Reg; January 29, 2021, Susp.	.....do	Do.
Harrison County, Unincorporated Areas.	190143	January 14, 1998, Emerg; August 9, 2000, Reg; January 29, 2021, Susp.	.....do	Do.
Janesville, City of, Bremer and Black Hawk Counties.	190023	May 28, 1982, Emerg; July 16, 1990, Reg; January 29, 2021, Susp.	.....do	Do.
Little Sioux, City of, Harrison County.	190145	September 25, 1975, Emerg; August 19, 1985, Reg; January 29, 2021, Susp.	.....do	Do.
Missouri Valley, City of, Harrison County.	190147	May 26, 1972, Emerg; August 1, 1977, Reg; January 29, 2021, Susp.	.....do	Do.
Modale, City of, Harrison County.	190148	April 18, 2012, Emerg; April 27, 2012, Reg; January 29, 2021, Susp.	.....do	Do.
Mondamin, City of, Harrison County.	190149	May 22, 1975, Emerg; June 10, 1980, Reg; January 29, 2021, Susp.	.....do	Do.
Plainfield, City of, Bremer County.	190327	June 18, 1979, Emerg; March 1, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Sumner, City of, Bremer County.	190029	August 8, 1975, Emerg; July 16, 1990, Reg; January 29, 2021, Susp.	.....do	Do.
Tripoli, City of, Bremer County.	190669	N/A, Emerg; September 28, 1994, Reg; January 29, 2021, Susp.	.....do	Do.
Wapello County, Unincorporated Areas.	190911	May 23, 1983, Emerg; June 1, 1987, Reg; January 29, 2021, Susp.	.....do	Do.
Waverly, City of, Bremer County.	190030	May 2, 1975, Emerg; March 2, 1981, Reg; January 29, 2021, Susp.	.....do	Do.
Kansas:				
Hutchinson, City of, Reno County.	200283	January 19, 1973, Emerg; September 5, 1978, Reg; January 29, 2021, Susp.	.....do	Do.
Nickerson, City of, Reno County.	200284	January 16, 1975, Emerg; January 3, 1979, Reg; January 29, 2021, Susp.	.....do	Do.
South Hutchinson, City of, Reno County.	200530	August 7, 1975, Emerg; September 28, 1990, Reg; January 29, 2021, Susp.	.....do	Do.
Willowbrook, City of, Reno County.	200285	May 1, 1975, Emerg; August 1, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Missouri: Wayland, City of, Clark County.	290084	September 4, 1975, Emerg; September 4, 1986, Reg; January 29, 2021, Susp.	.....do	Do.
Region IX				
California:				
Ojai, City of, Ventura County.	060416	June 18, 1975, Emerg; October 17, 1978, Reg; January 29, 2021, Susp.	.....do	Do.

Proposed Rules

Federal Register
Vol. 86, No. 18
Friday, January 29, 2021

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 2, 21, 26, 50, 51, 52, 55, and 73

[NRC–2009–0196]

RIN 3150–AI66

Alignment of Licensing Processes and Lessons Learned From New Reactor Licensing

AGENCY: Nuclear Regulatory Commission.

ACTION: Regulatory basis; request for comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is requesting comments on a regulatory basis to support a proposed rule that would amend the NRC's regulations for the licensing of new nuclear power reactors. The NRC's goals in amending these regulations would be to ensure consistency in new reactor licensing reviews, provide for an efficient new reactor licensing process, reduce the need for exemptions from existing regulations and license amendment requests, address other new reactor licensing issues deemed relevant by the NRC, and support the principles of good regulation, specifically openness, clarity, and reliability. The NRC plans to hold a public meeting to promote a full understanding of the rulemaking, discuss the regulatory basis, and facilitate public participation.

DATES: Submit comments by April 14, 2021. Comments received after this date will be considered if it is practical to do so, but the NRC is only able to ensure consideration of comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal Rulemaking Website:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2009–0196. Address questions about NRC dockets to Dawn Forder; telephone: 301–415–3407; email: *Dawn.Forder@nrc.gov.* For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Email comments to: Rulemaking.Comments@nrc.gov.* If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: James G. O'Driscoll, Office of Nuclear Material Safety and Safeguards; telephone: 301–415–1325; email: *James.ODriscoll@nrc.gov;* or Allen Fetter, Office of Nuclear Reactor Regulation; telephone: 301–415–8556; email: *Allen.Fetter@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2009–0196 when contacting the NRC about the availability of information for this action. You may obtain publicly-available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2009–0196.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly-available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *Attention:* The PDR where you may examine and order copies of public documents is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

B. Submitting Comments

Please include Docket ID NRC–2009–0196 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons to not include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS. Please note that the NRC will not provide formal written responses to each of the comments received on the regulatory basis. However, the NRC will consider all comments received in the rulemaking process.

II. Discussion

The NRC is requesting comments on a regulatory basis to support a proposed rule that would amend the NRC's regulations for the licensing of new nuclear power reactors in parts 50 and 52 of title 10 of the *Code of Federal Regulations* (10 CFR). The NRC's goals in amending these regulations would be to ensure consistency in new reactor licensing reviews, provide for an efficient new reactor licensing process, reduce the need for exemptions from existing regulations and license amendment requests, address other new reactor licensing issues deemed relevant by the NRC, and support the principles of good regulation, specifically openness, clarity, and reliability. These rule changes would apply to any power reactor application submitted to the NRC. For example, the scope of

impacted entities includes applicants for designs and facilities similar to large light water reactors operating today, new, large light water reactors (*e.g.,* similar to the KHNP APR–1400 and Westinghouse AP1000), small modular reactors (*e.g.,* similar to NuScale small modular reactor), and non-light water reactors (*e.g.,* high temperature gas reactor, fast reactors, and molten salt reactors)

On January 15, 2019, the NRC held a Category 3 public meeting to obtain feedback from external stakeholders on the scope of the development of the regulatory basis for this proposed rule. Representatives of the commercial nuclear power industry presented 18 suggested changes at the meeting and submitted a list of 20 additional suggested changes.

On September 20, 2019, the NRC met with individual members of the Regulatory Policies and Practices Subcommittee of the Advisory Committee on Reactor Safeguards (ACRS). The purpose of the meeting was to receive the ACRS members' observations on the implementation of the 10 CFR part 52 process based on their individual perspectives from their reviews of early site permit (ESP), design certification (DC), and combined license applications.

On November 21, 2019, and April 29, 2020, the NRC held Category 3 public meetings with members of the public to provide updates on the agency's efforts since the January 15, 2019, public meeting. In these meetings, the NRC provided updates on progress including an overview of the scope of the regulatory basis. At both meetings, the NRC conducted question and answer sessions. Consistent with the NRC's rulemaking process, the NRC has prepared a regulatory basis to describe and document the results of assessments performed by the NRC in support of the proposed rule. This regulatory basis and the meeting summaries, including transcripts, are listed in the ''Availability of Documents'' section of this document.

In the regulatory basis, the NRC concludes that there is sufficient basis to proceed with rulemaking to address the alignment of regulatory requirements associated with 10 CFR parts 50 and 52 and the incorporation of lessons learned from new reactor licensing reviews. However, through development of its regulatory basis, the NRC has determined that some areas within the scope previously discussed could be addressed using other regulatory alternatives.

The Commission has not approved any specific recommendation in the regulatory basis at this time, and as such, any conclusions regarding the elements of the alignment of licensing processes and lessons learned from new reactor licensing process rulemaking are subject to change.

III. Specific Requests for Comments

The NRC is requesting comment on the regulatory basis titled ''Alignment of Licensing Processes and Lessons Learned from New Reactor Licensing.'' As you prepare your comments, consider the following general questions:

1. Is the NRC considering appropriate options for each regulatory area described in the regulatory basis?

2. Are there additional factors that the NRC should consider in each regulatory area? What are these factors?

3. Are there any additional options that the NRC should consider during development of the proposed rule?

4. Is there additional information concerning regulatory impacts that the NRC should include in its regulatory analysis for this rulemaking?

Specific Regulatory Issues

In addition to the general questions, the NRC has identified additional areas of consideration that could either be included in the scope of the alignment of licensing processes and lessons learned from new reactor licensing rulemaking or addressed through other actions. The NRC may include additional discussion of these issues in the proposed rule, and if included, will use any public comments received regarding these issues to inform the development of the proposed rule. The NRC requests that members of the public answer the following specific questions regarding these additional regulatory issues.

Emergency Planning

Significant Impediments to Development of Emergency Plans

As required by § 52.17(b)(1), the site safety analysis report for an ESP application must include an evaluation of the physical characteristics of the proposed site, such as egress limitations from the area surrounding the site, that could pose a significant impediment to the development of emergency plans.

1. The NRC is considering revising the guidance in Regulatory Guide 4.7, ''General Site Suitability Criteria for Nuclear Power Stations,'' and NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' Chapter 13, ''Conduct of Operations,'' on how to meet the requirements of § 52.17(b)(1) and the siting criteria in 10 CFR part 100, ''Reactor site criteria,'' as it relates to siting and emergency planning for ESP reviews. The NRC is seeking comment on the appropriate distance within which to perform the analysis to demonstrate compliance with the siting criteria for identifying site characteristics that could pose significant impediments to the development of emergency plans. Please provide a basis for your response.

Part 52 Process

Standard Design Approvals Duration, Manufacturing License Renewal and Manufacturing License Expiration Date

As described in § 52.147, standard design approvals (SDAs) are valid for 15 years from the date of issuance and may not be renewed. For manufacturing licenses (MLs), § 52.173 specifies that a license authorizing manufacture of nuclear power reactors is valid for no more than 15 years from the date of issuance. As part of this rulemaking, the NRC is considering the removal of the 15-year duration for DCs established in § 52.55 and DC renewal requirements in §§ 52.57, 52.59, and 52.61 and 10 CFR part 52 DC appendices. This would result in DCs that never expire and, therefore, do not need to be renewed every 15 years. The 2007 10 CFR part 52 final rule provided the term of an SDA to be for 15 years and the term of an ML to be for no less than 5, or no more than 15 years from the date of issuance. The Commission established the 15-year maximum term for SDAs and MLs to be consistent with the maximum term for a standard design certification. The 5-year minimum term was established by the Commission to encourage the use of an ML for the manufacture of more than one nuclear power reactor.

2. If the NRC eliminates the renewal requirements for DCs, should the NRC consider eliminating or changing duration requirements for MLs?

3. If the NRC eliminates the renewal requirements for DCs, should the NRC consider eliminating or changing the duration requirements for SDAs?

Expired Design Certifications in 10 CFR Part 52

As part of the proposed rule, the NRC is considering the removal of the 15-year duration for DCs established in § 52.55 and DC renewal requirements in §§ 52.57, 52.59, and 52.61 and 10 CFR part 52 DC appendices. This would result in DCs that never expire and, therefore, do not need to be renewed every 15 years. However, there are presently two DCs contained in the appendices to 10 CFR part 52 (AP600

and System 80+) that have already expired.

4. Should the NRC remove expired DC rules from the appendices to 10 CFR part 52 in the proposed rule?

Relationship to Advanced Reactors

The current regulations in 10 CFR parts 50 and 52 were largely written during a period when the NRC was licensing light-water-reactors. Today, significant stakeholder interest exists in licensing new advanced non-light-water reactor designs. As such, in the proposed rule and in subsequent rulemakings addressing new licensing regulations for advanced reactors, the NRC wants to ensure that it considers stakeholder feedback on how regulatory changes would impact potential non-light-water reactor applicants.

For example, the NRC recommends revising § 50.34(f) so that the TMI requirements in § 50.34(f) apply to new power reactor applications submitted under 10 CFR part 50, with the same exceptions given for 10 CFR part 52 applicants. Section 50.34(f) requires 10 CFR part 52 applicants to provide information necessary to demonstrate compliance with any ''technically relevant'' positions of the requirements in § 50.34(f)(1) through (3) with the exception of § 50.34(f)(1)(xii), (f)(2)(ix), and (f)(3)(v). The NRC is still considering whether and how these regulations would apply to non-light water reactors.

5. Please provide feedback on impacts of the TMI requirements on non-LWR applicants the NRC should consider in the scope of the proposed rule. Please provide the basis for your answer.

IV. Cumulative Effects of Regulation

The cumulative effects of regulation (CER) describes the challenges that licensees or other impacted entities (such as State agency partners) may face while implementing new regulatory positions, programs, and requirements (*e.g.,* rules, generic letters, backfits, inspections). The CER is an organizational effectiveness challenge that results from a licensee or impacted entity implementing a number of complex positions, programs, or requirements within a limited implementation period and with available resources (which may include limited available expertise to address a specific issue). The NRC has implemented CER enhancements to the rulemaking process to facilitate public involvement throughout the rulemaking process. Therefore, the NRC is specifically requesting comment on the cumulative effects that may result from this proposed rulemaking. In developing comments on the regulatory basis, consider the following questions:

1. In light of any current or projected CER challenges, what should be a reasonable effective date, compliance date, or submittal date(s) from the time the final rule is published to the actual implementation of any new proposed requirements, including changes to programs, procedures, or the facility?

2. If CER challenges currently exist or are expected, what should be done to address them? For example, if more time is required for implementation of the new requirements, what period of time is sufficient?

3. Do other regulatory actions (*e.g.,* orders, generic communications, license amendment requests, and inspection findings of a generic nature) by the NRC or other agencies influence the implementation of the potential proposed requirements?

4. Are there unintended consequences? Does the potential proposed action create conditions that would be contrary to the potential proposed action's purpose and objectives? If so, what are the consequences and how should they be addressed?

5. Please comment on NRC's costs and benefits estimate of the potential proposed action. This information will be used to support additional regulatory analysis by the NRC.

V. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published in the **Federal Register** on June 10, 1998 (63 FR 31883). The NRC requests comment on this document with respect to the clarity and effectiveness of the language used.

VI. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the methods, as indicated.

Document	ADAMS accession number/ web link/**Federal Register** citation
Regulatory Basis for Rulemaking to Align Licensing Processes and Lessons Learned from New Reactor Licensing.	ML20149K680.
SECY–15–0002, ''Proposed Updates of Licensing Policies, Rules and Guidance for Future New Reactor Applications,'' January 8, 2015.	ML13277A420 (package).
SRM–SECY–15–0002, ''Staff Requirements—SECY–15–0002—Proposed Updates of Licensing Policies, Rules and Guidance for Future New Reactor Applications,'' September 22, 2015.	ML15266A023.
Public Meeting Summary, ''Summary of January 15, 2019, Public Meeting to Discuss the Proposed Rulemaking to Align the Regulations in Parts 50 and 52 to Address Updates to the Licensing Processes and Lessons Learned for Future New Reactor Applications,'' January 30, 2019.	ML19023A046.
SECY–19–0084, ''Status of Rulemaking to Align Licensing Processes and Lessons Learned from New Reactor Licensing (RIN 3150–AI66),'' August 27, 2019.	ML19161A169 (package).
Transcript of the Advisory Committee on Reactor Safeguards Regulatory Policies & Practices—Part 50 52 Meeting—September 20, 2019.	ML19294A009.
Summary of November 21, 2019, Category 3 Public Meeting RE: Regulatory Basis: Rulemaking to Align Licensing Processes and Apply Lessons Learned from New Reactor Licensing (NRC–2009–0196).	ML19344C768.
Summary of April 29, 2020, Public Meeting to Discuss the Status of Rulemaking to Align Licensing Processes and Apply Lessons Learned from New Reactor Licensing [NRC–2009–0196; RIN 3150–AI66].	ML20141L609.
SECY–19–0034, ''Improving Design Certification Content,'' April 24, 2019	ML19080A032.
NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition,'' with updates through 2007.	*https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.*
Regulatory Guide 4.7, Revision 3, ''General Site Suitability Criteria for Nuclear Power Stations''	ML12188A053.

The NRC may post additional materials related to this rulemaking activity to the Federal rulemaking website at *www.regulations.gov* under Docket ID NRC–2009–0196. These documents will inform the public of the current status of this activity and/or provide additional material for use at future public meetings.

The Federal rulemaking website allows you to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) Navigate to the docket folder (NRC–2009–0196); (2) click the ''Sign up for Email Alerts'' link; and (3) enter your email address and select how frequently you would like to receive emails (daily, weekly, or monthly).

Dated: January 19, 2021.

For the Nuclear Regulatory Commission.

John R. Tappert,

Director, Division of Rulemaking, Environmental and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–01860 Filed 1–28–21; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 29

[Docket No. FAA–2021–0065; Notice No. 29–054–SC]

Special Conditions: Bell Textron Inc., Model 525 Helicopter; Fly-By-Wire (FBW) Flight Control System (FCS)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Bell Textron Inc. (Bell) Model 525 helicopter. This helicopter will have a novel or unusual design feature associated with a fly-by-wire (FBW) flight control system (FCS). The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before March 15, 2021.

ADDRESSES: Send comments identified by Docket No. FAA–2021–0065 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments it receives, without change, to *http://www.regulations.gov/,* including any personal information the commenter provides. Using the search function of the docket website, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478).

Confidential Business Information: CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to these proposed special conditions contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to these proposed special conditions, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of these proposed special conditions. Submissions containing CBI should be sent to John VanHoudt, FAA, Dynamic Systems Section, AIR–627, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, 10101 Hillwood Parkway, Fort Worth, TX 76177–98198; telephone and fax 817–222–5193; email *John.G.Van.Houdt@FAA.Gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John VanHoudt, FAA, Dynamic Systems Section, AIR–627, Technical Innovation Policy Branch, Policy and Innovation Division, Aircraft Certification Service, 10101 Hillwood Parkway, Fort Worth, TX 76177–98198; telephone and fax 817–222–5193; email *John.G.Van.Houdt@FAA.Gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2021–0065; Notice No. 29–054–SC'' at the beginning of your comments. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend these proposed special conditions because of those comments.

Background

On December 15, 2011, Bell applied for a type certificate for a new 14 CFR part 29 transport category helicopter designated as the Model 525. Bell applied for multiple extensions, with the most recent occurring on November 12, 2020. The date of the updated type certification basis is December 31, 2016, based upon the applicant's proposed type certificate issuance date of December 31, 2021. The Model 525 is a medium twin-engine rotorcraft. The design maximum takeoff weight is 20,500 pounds, with a maximum capacity of 19 passengers and a crew of 2.

The Bell Model 525 helicopter will be equipped with a four axis full authority digital FBW FCS that provides for aircraft control through pilot input and coupled flight director modes. The design of the Bell Model 525 FBW controls, which provides no direct hydro-mechanical linkage between the primary cockpit flight controls or inceptors and the main and tail rotor

actuators, is a first for commercial rotorcraft use. Therefore, the regulations do not contain adequate or appropriate safety standards for this new design feature.

The rotorcraft industry is producing new generations of helicopters, and gradually increasing size, speed, load capacity, and technical sophistication. In recent years, an accelerated trend has occurred using rotorcraft for a wide range of commercial and industrial applications. This has resulted in increased complexity of modern control systems and increased use of automation in flight control systems, including the implementation of advanced flight control systems such as FBW FCS.

Title 14, Code of Federal Regulations (CFR), § 29.671(c), which provides requirements for transport category rotorcraft control systems, does not contain adequate or appropriate safety standards for this new design feature. 14 CFR 29.671(c) requires, in part, a means to allow the pilot to determine that full control authority is available prior to flight. This command control authority is typically achieved by verifying movement of the control quadrant through an unassisted mechanical pilot-initiated manipulation of the primary flight controls prior to flight. Although this approach does not guarantee that 100% maximum control movement of the flight controls has been achieved prior to flight, it has been deemed appropriate for mechanical flight control systems.

Unlike traditional mechanical flight control systems, the FBW FCS reduces the opportunity for jamming of the flight controls due to mechanical bind, improper servo adjustment resulting from faulty maintenance, or presence of a foreign object in the control mechanism that will impair safety. This reduced exposure for jams is due to the replacement of the mechanical linkages between the primary cockpit flight controls or inceptors and the main and tail rotor actuators with digital signal processing wiring. However, the FBW FCS does increase the potential for latent failures or faults that could impair full control authority, unless a means exists to ensure the FBW FCS is fully functional and free of control authority impairment prior to flight. A FBW system may have the ability to verify full control authority without having to move the primary flight controls.

Although part 29 does not contain adequate or appropriate safety standards for this novel or unusual design feature, 14 CFR 25.671, amendment 25–23, provides these requirements for transport category airplanes. Accordingly, these proposed special conditions are based on § 25.671 to provide requirements for a FBW FCS on the Bell Model 525 helicopter. 14 CFR 25.671(c) provides the same level of safety as that intended by § 29.671(c) when employing a FBW FCS by including requirements for jamming and failure analysis. The proposed special conditions would require a comprehensive safety analysis of the aircraft's FBW FCS to include failures due to command logic (software), mechanical and electronic interfaces to other systems, jamming and maintenance. Therefore, in conjunction with § 29.671(a) and (b), the proposed special conditions incorporate provisions from § 25.671(c) to establish a level of safety equivalent to that established in the regulations.

Type Certification Basis

Under the provisions of 14 CFR 21.17, Bell must show that the Model 525 helicopter meets the applicable provisions of part 29, as amended by Amendments 29 through 55 thereto. The Bell Model 525 certification basis date is December 31, 2016.

If the Administrator finds that the applicable airworthiness regulations (*i.e.,* 14 CFR part 29) do not contain adequate or appropriate safety standards for the Bell Model 525 because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Bell Model 525 helicopter must comply with the the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''.

The FAA issues special conditions, as defined in 14 CFR 11.19, in accordance with § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Bell Model 525 helicopter will incorporate the following novel or unusual design features: A FBW FCS.

This new design feature has no direct hydro-mechanical linkage between the primary cockpit flight controls or inceptors and the main and tail rotor actuators, thereby eliminating the more complex elements of either a manual movement of the controls by the pilot, or another manual means.

Discussion

The proposed special conditions would require that a means be available to show full control authority for all powered control systems.

The proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to the Bell Model 525 helicopter. Should Bell apply at a later date for a change to the type certificate to include aother model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only a certain novel or unusual design feature on the Bell Model 525 helicopter. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 29

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(f), 106(g), 40113, 44701–44702, 44704.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions in lieu of § 29.671(c) as part of the type certification basis for the Bell Textron Inc. Model 525 helicopter:

The rotorcraft must be shown by analysis, tests, or both, to be capable of continued safe flight and landing after any of the following failures or jamming in the flight control system within the normal flight envelope, without requiring exceptional piloting skill or strength. Probable failures must have only minor effects.

(1) Any single failure not shown to be extremely improbable, excluding jamming.

(2) Any combination of failures not shown to be extremely improbable, excluding jamming.

(3) Any jam in a control position normally encountered during hover, takeoff, climb, cruise, normal turns,

descent, and landing, unless the jam is shown to be extremely improbable or can be alleviated.

Issued in Fort Worth, Texas.

Jorge Castillo,

Manager, Strategic Policy Rotorcraft Section, Policy and Innovation Division, Aircraft Certification Service.

[FR Doc. 2021–01958 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 39

[Docket No. RM21–12–000]

Revisions to Regulations on Electric Reliability Organization Performance Assessments

AGENCY: Federal Energy Regulatory Commission, Department of Energy.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Federal Energy Regulatory Commission (Commission) proposes to amend the Commission's regulations to require the Commission-certified Electric Reliability Organization to submit assessments of its performance every three years instead of the current period of every five years. The Commission also proposes to add to the Commission's regulations a requirement for the Electric Reliability Organization to include in its performance assessment a detailed discussion of any areas of the Electric Reliability Organization's responsibilities and activities, or a Regional Entity's delegated functions, beyond those required by the Commission's regulations, that the Commission has identified at least 90 days prior to the expected performance assessment submission date. Finally, the Commission proposes formalizing the method for the Electric Reliability Organization and Regional Entities to receive and respond to recommendations by the users, owners, and operators of the Bulk-Power System, and other interested parties for improvement of the Electric Reliability Organization's operations, activities, oversight and procedures.

DATES: Comments are due March 1, 2021.

ADDRESSES: Comments, identified by docket number, may be filed electronically at *http://www.ferc.gov* in acceptable native applications and print-to-PDF, but not in scanned or picture format. For those unable to file electronically, comments may be filed by mail to: Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426. Hand-delivered comments must be delivered to: Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The Comment Procedures Section of this document contains more detailed filing procedures.

FOR FURTHER INFORMATION CONTACT: Leigh Anne Faugust (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, Telephone: (202) 502–6396.

SUPPLEMENTARY INFORMATION:

1. Pursuant to section 215 of the Federal Power Act (FPA),[1] the Commission proposes to amend § 39.3(c) of the Commission's regulations to require the Commission-certified Electric Reliability Organization (ERO) to submit assessments of its performance every three years instead of the current period of every five years.[2] We believe that the proposed amendment will provide better continuity in our review of the ERO's operations, activities, oversight, procedures, and evaluation of the effectiveness of each Regional Entity in the performance of delegated functions. We also believe the proposed shorter performance assessment cycle will provide an opportunity to identify potential improvements with regards to ERO performance in a more timely fashion, allow for changes to be made in a more timely manner, and improve the efficiency of the overall performance assessment process.

2. Also, pursuant to section 215 of the FPA, we propose to add paragraph (iv) to § 39.3(c)(1) of the Commission's regulations to require the Commission-certified ERO to include in its performance assessments a detailed discussion of any areas of the ERO's responsibilities and activities, or the Regional Entities' delegated functions, beyond those required by § 39.3(c)(1)(i), (ii), and (iii), that the Commission identifies for inclusion at least 90 days prior to the expected performance assessment submission date.

3. Finally, we propose to amend § 39.3(c)(1)(ii) of the Commission's regulations to require the ERO to solicit via a formal public comment period recommendations by the users, owners, and operators of the Bulk-Power System, and other interested parties for improvement of the ERO's operations, activities, oversight and procedures.

[1] 16 U.S.C. 824o.

[2] 18 CFR 39.3(c).

I. Background

A. Section 215 of the FPA

4. Section 215 of the FPA requires the Commission to issue regulations that, among other things, provide for the certification of an entity as the ERO if it meets certain criteria.[3] Specifically, FPA section 215(c) establishes that an ERO candidate must have the ability to develop and enforce mandatory Reliability Standards that provide for an adequate level of reliability of the Bulk-Power System.[4] The statute also requires that an ERO candidate have established rules that: (1) Assure independence, while assuring fair stakeholder representation and balanced decision-making; (2) equitably allocate reasonable dues, fees, and other charges; (3) provide fair and impartial procedures for enforcing Reliability Standards through imposition of penalties; (4) provide reasonable notice and opportunity for public comment, due process, and balance in developing Reliability Standards and otherwise exercising its duties; and (5) provide appropriate steps to gain recognition in Canada and Mexico.

5. FPA section 215(e)(4) provides that the ERO may delegate authority to a Regional Entity for the purpose of proposing regional Reliability Standards and enforcing Reliability Standards. Regional Entities must meet the same statutory criteria as those required for Commission certification of an ERO, except that more flexibility is allowed in the composition of a Regional Entity board of directors. The Commission must approve a delegation agreement between the ERO and a Regional Entity, and the Commission is authorized to modify such delegation.

B. Order No. 672

6. On February 3, 2006, the Commission issued Order No. 672, which amended the Commission's regulations to implement the requirements of FPA section 215.[5] In Order No. 672, the Commission

[3] 16 U.S.C. 824o; (on July 20, 2006, the Commission certified NERC as the ERO for the continental United States under FPA section 215(c)). *North American Electric Reliability Corp.,* 116 FERC ¶ 61,062, *order on reh'g and compliance,* 117 FERC ¶ 61,126 (2006), *order on compliance,* 118 FERC ¶ 61,030, *order on compliance,* 118 FERC ¶ 61,190, *order on reh'g,* 119 FERC ¶ 61,046 (2007), *aff'd sub nom. Alcoa Inc.* v. *FERC,* 564 F.3d 1342 (D.C. Cir. 2009).

[4] *Id.* section 824o(c).

[5] *Rules Concerning Certification of the Electric Reliability Organization; and Procedures for the Establishment, Approval, and Enforcement of Electric Reliability Standards,* Order No. 672, 71 FR 8662 (Feb. 17, 2006), 114 FERC ¶ 61,104, at P 186, *order on reh'g,* Order No. 672–A, 114 FERC ¶ 61,328 (2006).

interpreted section 215 of the FPA to require the ERO to comply with the certification criteria in section 215(c) of the FPA on a continuous basis.[6] Further, the Commission mandated that the ERO submit periodic assessments of its performance that ''affirmatively demonstrate to the Commission that [the ERO] satisfies the statutory and regulatory criteria for an ERO and is not only maintaining but improving the quality of its activities and those of the Regional Entities to which it has delegated such activities.'' [7]

7. In Order No. 672, the Commission also said that the performance assessments should employ regular and systematic measurement and reporting of the ERO's performance. The specific requirements for the performance assessments are set out in the Commission's regulations in § 39.3(c) and provide that the ERO file an assessment of its performance three years from the date of initial certification, and every five years thereafter. Section 39.3(c)(1) of the Commission's regulations specify that the ERO should include in its performance assessment: (1) An explanation of how it satisfies the requirements of § 39.3 (b); [8] (2) recommendations from stakeholders on improvement for the ERO and Regional Entities' performance and the ERO's and Regional Entities' response to those recommendations; [9] and (3) an evaluation of the effectiveness of each Regional Entity's performance of delegated functions.[10] Section 39.3(c)(2) of the Commission's regulations explain that the Commission will review the performance assessments and may require follow-up actions by the ERO to comply or improve compliance with the statutory and regulatory qualifications for the ERO if the Commission determines that the ERO has not satisfied specific criteria.[11]

II. Discussion

8. Pursuant to section 215 of the FPA, we propose to amend § 39.3(c) of the Commission's regulations to require the Commission-certified ERO to submit assessments of its performance every three years instead of the current period of every five years.[12] We also propose to amend § 39.3(c)(1) to add a new requirement for the ERO to include in its performance assessment a detailed discussion of any areas of the EROs' responsibilities and activities, or the Regional Entity delegated functions, beyond those required by § 39.3(c)(1)(i), (ii), and (iii) that the Commission identifies at least 90 days prior to the expected performance assessment submission date. For example, a Commission-identified issue may be communicated to the ERO through a Commission order or the Commission's delegated authority to the Director of the Office of Electric Reliability.[13]

9. While Order No. 672 established a five-year period for submitting ERO performance assessments following the initial three-year assessment, decreasing the periodicity to every three years would improve the ERO's accountability to the public, stakeholders, and the Commission. Our proposed reduction in the assessment period aligns with the ERO's own acknowledgement that it is ''facing unprecedented, rapid change in the electric industry, which raises new challenges to and opportunities for the reliability and security of the Bulk Power System.'' [14] We agree, and find that the Bulk-Power System is transitioning in myriad ways through innovation and technology at a pace unanticipated when the Commission originally established the five-year performance assessment period and identified topics for the ERO to include in those assessments.

10. The proposed three-year performance assessment cycle will enhance the Commission's oversight of the ERO and provide an opportunity to address issues arising with regard to ERO performance in a more timely fashion. We believe this will allow for changes to be made in a more timely manner, and improve the efficiency of the overall performance assessment process. A three-year performance assessment aligns more closely with certain ongoing NERC activities, such as the triennial Reliability Standards and reliability guidelines reviews. Moreover, the reduced period between assessments will allow better continuity in the Commission's review of the ERO's operations, activities, oversight, procedures, and evaluation of the effectiveness of each Regional Entity in the performance of delegated functions. For example, a three-year period improves the likelihood that the NERC staff preparing the performance assessment, the Commission staff reviewing the assessment, and Commissioners would be familiar with the performance assessment process—thereby providing continuity and subject matter expertise. Three years also provides an earlier opportunity to address new and emerging areas of concern or recommendations for development identified by the Commission and stakeholders.

11. We believe that the proposed three-year performance cycle affords a reasonable amount of time between performance assessments. We note that this is the same three-year timeframe imposed in Order No. 672 on the initial performance assessment submitted by the ERO in 2010. The timing also aligns with the NERC's Rules of Procedure requirement of an independent audit of NERC's Compliance Monitoring and Enforcement Program (CMEP) and Organization Registration and Certification Program.[15]

12. The ERO has existing internal processes used to assess its ongoing performance of its statutory responsibilities, and the Regional Entities' ongoing performance in their delegated activities.[16] For example, NERC files itemized annual budgets for both its own activities and those of the Regional Entities, thereby tracking whether it ''allocate[s] equitably reasonable dues, fees and charges among end users for all activities.'' [17] The ERO uses a program alignment process to identify, prioritize, and resolve inconsistencies among the

[6] *Id.* PP 183, 187.

[7] *Id.* P 186.

[8] 18 CFR 39.3(c)(1)(i).

[9] 18 CFR 39.3(c)(1)(ii), (iii).

[10] 18 CFR 39.3(c)(1)(iii).

[11] *Id.*

[12] 18 CFR 39.3(c).

[13] *See e.g.,* 18 CFR 375.303 (a)(2)(v) (''The Commission authorizes the Director or the Director's designee to . . . [d]irect the Electric Reliability Organization, Regional Entities, or users, owners, and operators of the Bulk-Power System within the United States (not including Alaska and Hawaii) to provide such information as is necessary to implement Section 215 of the Federal Power Act. . . .'').

[14] *North American Electric Reliability Corp.,* Docket No. RR19–7–000, at 3 (July 22, 2019) (2019 Performance Assessment).

[15] *See e.g.,* NERC, Rules of Procedure, sec. 406 (''NERC shall provide for an independent audit of its [CMEP] at least once every three years, or more frequently as determined by the Board. The audit shall be conducted by independent expert auditors as selected by the Board'').

[16] For example, pursuant to 18 CFR 39.3 (c)(1)(i), the ERO must include in its performance assessment an explanation of how its Reliability Standards program meet the requirements of § 39.3(b). NERC posts on its website the status of various Reliability Standards projects, and provides public access to all projects, including: Reliability Standards, Standard Authorization Requests, Periodic Reviews, and Interpretations. NERC, *Reliability Standards Under Development, https://www.nerc.com/pa/Stand/Pages/Standards-Under-Development.aspx.* NERC has a formal oversight program for functions it has delegated to the Regional Entities. The programs include performance metrics that NERC uses to evaluate the Regional Entity performance from year to year, (*i.e.,* more frequently than what would be necessary for a three-year performance assessment). 2019 Performance Assessment at 10.

[17] 18 CFR 39.3(b)(2)(ii).

Regional Entities.[18] The ERO also issues a stakeholder survey every other year to measure the effectiveness of NERC and the Regional Entities in executing program activities.[19]

13. Based on the examples described above, we believe the ERO should be able to use these existing processes to provide a self-assessment to the Commission on a three-year basis rather than every five years without imposing an undue burden on the ERO. NERC could leverage the existing tracking mechanisms discussed above, as well as the findings of its required three-year independent audit, its internal audit department, ongoing quarterly and annual assessments of its CMEP and Organization Registration and Certification Program,[20] and the processes that lead to NERC's annual filings of the business plan and budgets (and those of the Regional Entities),[21] all of which NERC already uses to regularly report on its and the Regional Entities' activities. For these reasons, we believe a reduction of time from a five-year cycle to a three-year cycle will not impose an undue burden for NERC, the Regional Entities, registered entities, or other interested stakeholders.

14. Next, based on the last three performance assessments NERC has submitted to the Commission as the ERO, where the Commission has directed NERC to submit additional information on further compliance, we propose to revise the Commission's regulations governing what an ERO must include in its performance assessment. Specifically, we propose to require that the Commission-certified ERO include in its performance assessments a detailed discussion of any areas of the ERO's activities and functions, or the Regional Entities' delegated functions, beyond those set forth in § 39.3(c)(1)(i), (ii), and (iii), that the Commission identifies for inclusion at least 90 days prior to the expected performance assessment submission date.[22] Identifying specific areas of interest in a formal and timely manner prior to NERC's submission of the Performance Assessment may likely result in efficiencies. For example, identifying areas of interest NERC should address in the filing may reduce the need for the Commission to issue data requests or require informational filings afterwards. We believe the additional information NERC will provide in response to the identified areas of interest will enable the Commission to more efficiently review the performance of the ERO's activities and functions, as well as oversight of the Regional Entities' delegated functions. We also believe 90 days prior to the submission of each performance assessment provides NERC adequate time to address any Commission-identified topics in its performance assessment, but we seek comment on whether a different period of time may be more appropriate.

15. Finally, we propose to add a formal requirement for a public comment period to solicit Regional Entities, users, owners, and operators of the Bulk-Power System, and other interested parties for improvement of the ERO's operations, activities, oversight and procedures. The intent of the comment period is to inform the content of the ERO's draft performance assessment. We anticipate that the ERO would meet the proposed requirement by issuing notice of a public comment period on its website specifically requesting that interested parties identify areas of improvement. We envision the solicitation of comments would be issued separately and prior to the posting of the draft performance assessment. The posting should be independent of other recurring stakeholder surveys that may have a more limited audience. The ERO would then include the submitted comments, and the ERO's responses to such comments, with its performance assessment filing.

16. We believe that the proposed amendments to our regulations will improve our oversight of the ERO. The proposal will better enable the Commission to determine that the ERO is satisfying the statutory and regulatory criteria continuously,[23] and provide the opportunity for more timely Commission and stakeholder feedback or direction to the ERO should issues arise. Further, consistent with Order No. 672, the shorter cycle for the ERO performance assessment will provide more timely Commission oversight to assure that the ERO is ''not only maintaining but improving the quality of its activities and those of the Regional Entities to which it has delegated such activities.'' [24] We seek comments from NERC and other interested entities on this proposal, including on the burden of this proposal.

III. Information Collection Statement

17. This NOPR proposes to amend the Commission's regulations to require the Commission-certified ERO to submit assessments of its performance every three years instead of the current period of every five years. It also proposes to require the Commission-certified ERO to include in its performance assessments a detailed discussion of any areas of the ERO's responsibilities and activities, or the Regional Entities' delegated functions, beyond those required by § 39.3(c)(1)(i), (ii), and (iii), that the Commission identifies for inclusion at least 90 days prior to the expected performance assessment submission date. Finally, this NOPR proposes to formalize the ERO's solicitation of recommendations via a formal public comment period from Regional Entities, users, owners, and operators of the Bulk-Power System, and other interested parties for improvement of the ERO's operations, activities, oversight and procedures.

18. The Paperwork Reduction Act (PRA) [25] requires each federal agency to seek and obtain approval by the Office of Management and Budget (OMB) before undertaking a collection of information (including reporting, record keeping, and public disclosure requirements) directed to ten or more persons or contained in a rule of general applicability. OMB regulations [26] require approval of certain information collection requirements contemplated by proposed rules (including deletion, revision, or implementation of new requirements). Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of this proposed rule will not be penalized for failing to respond to the collection of information

[18] NERC, *ERO Enterprise Program Alignment Process, https://www.nerc.com/pa/comp/Pages/EROEnterProAlign.aspx.*

[19] As required by 18 CFR 39.3(c)(1)(ii), the ERO's performance assessment must address ''the effectiveness of each Regional Entity, recommendations by the [ERO], users, owners, and operators of the Bulk-Power System, and other interested parties for improvement of the Regional Entity's performance of delegated functions.''

[20] *See, e.g.,* NERC, *Compliance Monitoring and Enforcement Program Quarterly Report,* (Nov. 4, 2020), *https://www.nerc.com/pa/comp/CE/ReportsDL/Q3%202020%20Quarterly%20CMEP%20Report.pdf.*

[21] *See, e.g.,* NERC, 2021 Business Plan and Budget Preparation Schedule, (2020), *https://www.nerc.com/gov/bot/FINANCE/Hidden%20Documents/2021%20BPB%20Preparation%20Schedule.pdf.*

[22] As noted above, a Commission-identified issue may be communicated to the ERO through a Commission order or the Commission's delegated authority to the Director of the Office of Electric Reliability.

[23] Order No. 672 interprets the FPA to require that the ERO to comply with the certification criteria on an ongoing basis, and that a violation of a certification criterion constitutes a violation of the FPA. Order No. 672, 114 FERC ¶ 61,104 at P 184.

[24] Order No. 672, 114 FERC ¶ 61,104 at P 186.

[25] 44 U.S.C. 3501–3521.

[26] 5 CFR part 1320.

unless the collection of information displays a valid OMB control number.

19. The information collection in this NOPR is FERC–725, ''Certification of Electric Reliability Organization.'' The OMB Control Number is 1902–0225. As required by the PRA, the collection of information that would be revised in this proposed rule is being submitted to OMB for review under 44 U.S.C. 3507(d).

20. The Commission solicits comments on the Commission's need for the proposed revision of the information collection, whether the information will have practical utility, the accuracy of the burden estimates, ways to enhance the quality, utility, and clarity of the information to be collected or retained, and any suggested methods for minimizing respondents' burden, including the use of automated information techniques. All burden estimates are discussed in this NOPR and in the Paperwork Reduction Act supporting statement.

21. Interested persons may submit questions about this information collection by contacting Ellen Brown, Office of the Executive Director, at *DataClearance@ferc.gov,* or (202) 502–8663. Please send comments concerning the collection of information and the associated burden estimates to: Office of Information and Regulatory Affairs, Office of Management and Budget [Attention: Federal Energy Regulatory Commission Desk Officer]. Due to security concerns, comments should be sent directly to *www.reginfo.gov/public/do/PRAMain.* Comments submitted to OMB should be sent within 60 days of publication of this notice in the **Federal Register** and refer to FERC–725 and OMB Control No. 1902–0225.

22. Please submit to the Commission copies of comments concerning the collection of information and the associated burden estimates (identified by Docket No. RM21–12–000) by any of the following methods:

- *eFiling at Commission's Website: http://www.ferc.gov/docs-filing/efiling.asp;*
- *U.S. Postal Service Mail:* Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426; or
- *Effective July 1, 2020, filings not submitted via eFiling or the U.S. Postal Service may be delivered to:* Federal Energy Regulatory Commission, c/o Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

23. The following discussion describes and analyzes the existing collection of information associated with 18 CFR 39.3(c) (FERC–725, OMB Control Number 1902–0225), as it would be modified by this proposed rule.

- *Necessity of the Information:* The information collected from the ERO or Regional Entities under the requirements of FERC–725 is used by the Commission to implement the statutory provisions of section 215 of the FPA and implemented by the Commission in accordance with 18 CFR part 39.
- *Public Reporting Burden:* The NOPR would result in program changes in the ''Self-Assessment'' information activities in FERC–725 due to the proposed requirement to submit self-assessments every 3 years. At present, self-assessments are required every 5 years.

24. The annualized number of responses for each self-assessment would be revised from 0.2 per year to 0.33 per year. As shown below, RM21–12–000 would result in a total of 2.31 responses for self-assessments annually. The Commission has also reduced the number of Regional Entities from seven to six.

25. The Commission calculates the average annual burden and cost [27] in accordance with data from the Bureau of Labor Statistics. For hourly cost (for wages and benefits), we estimate that 70 percent of the time is spent by Electrical Engineers (code 17–2071, at $66.90/hr.), 20 percent of the time is spent by Legal (code 23–0000, at $143.68/hr.), and 10 percent by Office and Administrative Support (code 43–0000, at $41.34/hr.). The weighted hourly cost (for wages and benefits) is $79.70.

Type of respondent	Type of response	Number of respondents	Number of responses per respondent	Total number of responses (col. C × col. D)	Average burden hours and cost ($) per response (rounded)	Estimated total annual burden hrs. and cost ($) (rounded) (col. E × col. F)
A.	B.	C.	D.	E.	F.	G.
Electric Reliability Organization.	Self-Assessment	1	0.33	0.33	4,160 hrs.; $331,552	1,373 hrs.; $109,412.
Regional Entities	Self-Assessment	6	0.33	1.98	4,160 hrs.; $331,552	8,237 hrs.; $656,473.
Total Burden Hrs. and Cost.	.....	7	.....	2.31	.....	9,610 hrs.; $765,885.

IV. Environmental Analysis

26. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[28] The Commission has categorically excluded certain actions from this requirement as not having a significant effect on the human environment. Included in the exclusion are rules that are clarifying, corrective, or procedural or that do not substantially change the effect of the regulations being amended.[29] The actions proposed here fall within this categorical exclusion in the Commission's regulations.

V. Regulatory Flexibility Act Certification

27. The Regulatory Flexibility Act of 1980 (RFA) [30] generally requires a description and analysis of proposed rules that will have significant economic impact on a substantial number of small entities.

28. By only proposing to direct NERC, the Commission-certified ERO, to

[27] The hourly cost estimates are based on wage data from the Bureau of Labor Statistics for May 2019 (BLS, *Occupational Employment Statistics* (May 2019), *https://www.bls.gov/oes/current/naics2_22.htm*) and benefits data for September 2020 (BLS, *Employer Costs for Employee Compensation Summary* (Dec. 17, 2020), *https://www.bls.gov/news.release/ecec.nr0.htm*).

[28] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs. ¶ 30,783 (1987) (cross-referenced at 41 FERC ¶ 61,284).

[29] 18 CFR 380.4(a)(2)(ii).

[30] 5 U.S.C 601–612.

increase the periodicity of its performance assessment submission and address identified topics, this NOPR will not have a significant or substantial impact on entities other than NERC. The ERO develops and files with the Commission for approval Reliability Standards affecting the Bulk-Power System, which represents: (a) A total electricity demand of 830 gigawatts (830,000 megawatts) and (b) more than $1 trillion worth of assets. Therefore, the Commission certifies that this NOPR will not have a significant economic impact on a substantial number of small entities.

VI. Comment Procedures

29. The Commission invites interested persons to submit comments on the matters and issues proposed in this notice to be adopted, including any related matters or alternative proposals that commenters may wish to discuss. Comments are due March 1, 2021. Comments must refer to Docket No. RM21–12–000, and must include the commenter's name, the organization they represent, if applicable, and their address in their comments.

30. The Commission encourages comments to be filed electronically via the eFiling link on the Commission's website at *http://www.ferc.gov.* The Commission accepts most standard word processing formats. Documents created electronically using word processing software should be filed in native applications or print-to-PDF format and not in a scanned format. Commenters filing electronically do not need to make a paper filing.

31. Commenters that are not able to file comments electronically must submit an original of their comments either by mail through the United States Postal Service to: The Secretary of the Commission, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC, 20426,[31] or by any other method of delivery, including hand delivery, to the Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.[32]

32. All comments will be placed in the Commission's public files and may be viewed, printed, or downloaded remotely as described in the Document Availability section below. Commenters on this proposal are not required to serve copies of their comments on other commenters.

VII. Document Availability

33. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). At this time, the Commission has suspended access to the Commission's Public Reference Room due to the President's March 13, 2020 proclamation declaring a National Emergency concerning the Novel Coronavirus Disease (COVID–19).

34. From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

35. User assistance is available for eLibrary and the Commission's website during normal business hours from the Commission's Online Support at (202)–502–6652 (toll free at 1–866–208–3676) or email at *ferconlinesupport@ferc.gov,* or the Public Reference Room at (202) 502–8371, TTY (202) 502–8659. Email the Public Reference Room at *public.referenceroom@ferc.gov.*

List of Subjects in 18 CFR Part 39

Administrative practice and procedure, Electric power, Penalties, Reporting and recordkeeping requirements.

By direction of the Commission. Commissioners Chatterjee and Glick are concurring with a joint separate statement attached.

Issued: January 19, 2021.

Kimberly D. Bose,

Secretary.

In consideration of the foregoing, the Commission proposes to amend part 39, chapter I, title 18, *Code of Federal Regulations,* as follows:

PART 39—RULES CONCERNING CERTIFICATION OF THE ELECTRIC RELIABILITY ORGANIZATION; AND PROCEDURES FOR THE ESTABLISHMENT, APPROVAL, AND ENFORCEMENT OF ELECTRIC RELIABILITY STANDARDS

■ 1. The authority citation for part 39 continues to read as follows:

Authority: 16 U.S.C. 824o.

■ 2. Amend § 39.3 by revising paragraph (c) introductory text, paragraph (c)(ii) and adding paragraph (iv) to read as follows.

§ 39.3 Electric Reliability Organization certification.

* * * * *

(c) The Electric Reliability Organization shall submit an assessment of its performance three years from the date of certification by the Commission, and every three years thereafter. After receipt of the assessment, the Commission will establish a proceeding with opportunity for public comment in which it will review the performance of the Electric Reliability Organization.

* * * * *

(ii) Recommendations, as solicited by the Electric Reliability Organization via a noticed public comment period, by Regional Entities, users, owners, and operators of the Bulk-Power System, and other interested parties for improvement of the Electric Reliability Organization's operations, activities, oversight and procedures, and the Electric Reliability Organization's response to such recommendations. . .

* * * * *

(iv) a detailed discussion of any areas of the Electric Reliability Organizations responsibilities and activities, or the Regional Entity delegated functions, beyond those required by § 39.3(c)(1)(i), (ii), and (iii) of this section that the Commission has identified. The Commission will inform the Electric Reliability Organization of any additional performance areas to include at least 90 days prior to the expected performance assessment submission date.

* * * * *

United States of America Federal Energy Regulatory Commission

Revisions to Regulations on Electric Reliability Organization Performance Assessments—Docket No. RM21–12–000

(Issued January 19, 2021)

CHATTERJEE, Commissioner, and GLICK, Commissioner, *concurring:*

We support this notice of proposed rulemaking (NOPR), which explores potential improvements to the existing framework for the North American Electric Reliability Corporation, the Commission-certified Electric Reliability Organization (ERO), to submit assessments of its performance. Given the important and increasingly complex role the ERO plays in ensuring the reliability of the Bulk Power System, we urge interested parties to submit comments on the proposed reforms. To that end, while we encourage comments on the potential benefits of these proposed reforms, we also encourage interested parties to provide comments on the potential burdens the proposed

[31] 18 CFR 385.2001(a)(1)(i).

[32] 18 CFR 385.2001(a)(1)(ii).

reforms may impose on the ERO and its Regional Entities.

For these reasons, we respectfully concur.

Neil Chatterjee,
Commissioner.

Richard Glick,
Commissioner.

[FR Doc. 2021–01614 Filed 1–28–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2020–0106]

RIN 2127–AM15

Framework for Automated Driving System Safety; Extension of Comment Period

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Advanced notice of proposed rulemaking (ANPRM); extension of comment period.

SUMMARY: In response to a request from Venable LLC, NHTSA is announcing a 60-day extension of the comment period on an advance notice of proposed rulemaking (ANPRM) requesting comment on NHTSA's development of a framework for Automated Driving System (ADS) safety. The comment period for the ANPRM was originally scheduled to end on February 1, 2021. It will now end on April 1, 2021.

DATES: The comment period for the ''Framework for Automated Driving System Safety'' ANPRM, published on December 3, 2020, at 85 FR 78058, is extended to April 1, 2021.

ADDRESSES: Comments must refer to the docket number above and be submitted by one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, M–30, U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery or Courier:* U.S. Department of Transportation, West Building, Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m. Eastern time, Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9332 before coming.
- *Fax:* 202–493–2251.

Regardless of how you submit your comments, you must include the docket number identified in the heading of this notice.

Note that all comments received, including any personal information provided, will be posted without change to *http://www.regulations.gov.* Please see the ''Privacy Act'' heading below.

You may call the Docket Management Facility at 202–366–9322. For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. To be sure someone is there to help you, please call (202) 366–9322 before coming. We will continue to file relevant information in the Docket as it becomes available.

Privacy Act: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to inform its decision-making process. DOT posts these comments, without edit, including any personal information the commenter provides, to *http://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.).

FOR FURTHER INFORMATION CONTACT: Sara R. Bennett, Attorney-Advisor, Vehicle Rulemaking and Harmonization, Office of Chief Counsel, 202–366–2992, email *Sara.Bennett@dot.gov.*

SUPPLEMENTARY INFORMATION: On December 3, 2020, NHTSA published an ANPRM to obtain public comments on the development of a framework for Automated Driving System (ADS) safety (85 FR 78058). The framework would objectively define, assess, and manage the safety of ADS performance while ensuring the needed flexibility to enable further innovation. The Agency sought specific feedback on key components that can meet the need for motor vehicle safety while enabling innovative designs, in a manner consistent with Agency authorities. The ANPRM provided a 30-day comment period, which closes on February 1, 2021.

On December 18, 2020, NHTSA received a request from Venable LLP on behalf of the Alliance for Automotive Innovation, American Property Casualty Insurance Association, American Trucking Associations, Motor & Equipment Manufacturers Association, National Automotive Dealers Association, National Association of Mutual Insurance Companies, Self-Driving Coalition for Safer Streets, Truck & Engine Manufacturers Association, and the U.S. Chamber of Commerce, Chamber Technology Engagement Center, (hereinafter ''the requestors''), for a 60-day extension of the comment period. The requestors state that the ANPRM raises a substantial number of technical and policy questions that require significant discussion and analysis on the part of their respective members. They suggest that an extension would offer them enough time to consult with and seek input from experts across their businesses about the ''many complex issues presented in the ANPRM.'' They state that having additional time to engage in such consultations would enable them ''to better ensure that the comments they provide to NHTSA reflect the full measure of thought and analysis that is due for this important proceeding.'' The request can be found in the docket for the ANPRM identified in the heading of this notice.

In accordance with NHTSA's rulemaking procedures in 49 CFR part 553, subpart B, the Agency is granting the request to extend the comment period 60 days. We have determined that the requestors have shown good cause for an extension, and that the extension is consistent with the public interest (49 CFR 553.19). A 60-day extension appropriately balances NHTSA's interest in providing the public with sufficient time to comment on the complex and novel questions raised in the ANPRM, with its interest in obtaining specific feedback from stakeholders in a timely manner. Accordingly, NHTSA is extending the comment period until April 1, 2021.[1]

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.95 and 49 CFR 501.5.

James C. Owens,

Deputy Administrator.

[FR Doc. 2021–01150 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–59–P

[1] Readers should note that, even after the comment closing date has passed, interested persons are able to file comments in the docket, which NHTSA will consider to the extent practicable. 49 CFR 553.23. NHTSA may also continue to file relevant information in the docket as it becomes available. Accordingly, the Agency recommends that readers periodically check the docket for new material.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

RIN 0648–BK22

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Dolphin and Wahoo Fishery Off the Atlantic States; Amendment 12

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Announcement of availability of fishery management plan amendment; request for comments.

SUMMARY: The South Atlantic Fishery Management Council (Council) submitted Amendment 12 to the Fishery Management Plan (FMP) for the Dolphin and Wahoo Fishery off the Atlantic States (Dolphin Wahoo FMP) for review, approval, and implementation by NMFS. If approved by the Secretary of Commerce, Amendment 12 to the Dolphin Wahoo FMP (Amendment 12) would add bullet mackerel and frigate mackerel to the Dolphin Wahoo FMP and designate them as ecosystem component (EC) species. The purpose of Amendment 12 is to acknowledge the ecological role of bullet mackerel and frigate mackerel as forage fish and to achieve the ecosystem management objectives in the Dolphin Wahoo FMP.

DATES: Written comments must be received on or before March 30, 2021.

ADDRESSES: You may submit comments on Amendment 12, identified by ''NOAA–NMFS–2020–0146,'' by either of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2020-0146,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* Submit written comments to Nikhil Mehta, Southeast Regional Office, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (*e.g.,* name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

Electronic copies of Amendment 12, which includes a fishery impact statement, a Regulatory Flexibility Act analysis, and a regulatory impact review, may be obtained from the Southeast Regional Office website at *https://www.fisheries.noaa.gov/action/amendment-12-add-bullet-mackerel-and-frigate-mackerel-ecosystem-component-species.*

FOR FURTHER INFORMATION CONTACT: Nikhil Mehta, telephone: 727–824–5305, or email: *nikhil.mehta@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or FMP amendment to the Secretary of Commerce (the Secretary) for review and approval, partial approval, or disapproval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or amendment, publish an announcement in the **Federal Register** notifying the public that the FMP or amendment is available for review and comment.

The Council prepared the Dolphin Wahoo FMP that is being revised by Amendment 12. If approved, Amendment 12 would be implemented by NMFS through regulations at 50 CFR part 622 under the authority of the Magnuson-Stevens Act.

Background

The Council manages dolphin and wahoo under the Dolphin Wahoo FMP in Federal waters off the Atlantic states from Maine south to the Florida Keys in the Atlantic. In the western North Atlantic, bullet mackerel are found from Cape Cod to the Gulf of Mexico, and frigate mackerel are found mostly from North Carolina to Florida. As described in Amendment 12, both bullet mackerel and frigate mackerel are found in the diets of dolphin and wahoo in the North Atlantic. In particular, wahoo has been demonstrated to have a strong dietary reliance on bullet and frigate mackerel, indicating that these mackerel species are the most dominant forage species observed in the diets of wahoo. Dolphin tend to have more diverse diets than wahoo and have a lower reliance on these mackerel species as prey. Additionally, bullet and frigate mackerel have been identified as important forage species for other offshore pelagic predatory species in the Atlantic such as blue marlin and yellowfin tuna. Bullet mackerel feed on a variety of prey, especially clupeoids (*i.e.,* herrings and sardines), crustaceans, and squids. Frigate mackerel feed on a variety of fish, squid, and small crustaceans. Therefore, given their presence as a common forage fish and prey food source, bullet mackerel and frigate mackerel are an important component of the marine environment in the Atlantic. There is no stock assessment for dolphin, wahoo, bullet mackerel, or frigate mackerel. In Atlantic Federal waters, dolphin and wahoo are targeted both commercially and recreationally. Annual reported commercial and recreational landings of bullet mackerel and frigate mackerel are low along the entire Atlantic coastline.

Regulations implemented under the Magnuson-Stevens Act define EC species as ''stocks that a Council or the Secretary has determined do not require conservation and management, but desire to list in a FMP in order to achieve ecosystem management objectives'' (50 CFR 600.305(d)(13)). National Standards (NS) General guidelines state that a Council should consider a list of ten non-exhaustive list of factors when deciding whether additional stocks require Federal conservation and management (50 CFR 600.305(c)(1)). The proposed EC designation for bullet and frigate mackerel was recommended to the Council by the Council's Scientific and Statistical Committee (SSC), their Dolphin Wahoo Advisory Panel (AP), the Habitat Protection and Ecosystem-Based Management (Habitat) AP, and through extensive positive comments from the public during scoping of Amendment 12. The Dolphin Wahoo AP and Habitat AP members acknowledged that wahoo particularly target these mackerel species as prey. The AP members also stated that the Council should consider a ''conservative approach'' to ensure there are no major increases in the harvest of bullet mackerel and frigate mackerel in the foreseeable future as a result of any EC designation. This designation would address the Council's growing emphasis on developing ecosystem management approaches to fisheries management and advancing ecosystem management objectives in the Dolphin Wahoo FMP.

The extent to which the low landings of bullet mackerel and frigate mackerel occur within the dolphin and wahoo fishery is unknown; however, it is unlikely that these species are often harvested in conjunction with efforts to target dolphin and wahoo, especially in the commercial sector. Bullet and frigate

mackerel have largely been landed commercially in the Mid-Atlantic region using gill net, pound net, float trap, and otter trawl gear, none of which are allowable gear types in the dolphin and wahoo fishery. Recreational landings of bullet and frigate mackerel have largely occurred in the South Atlantic Region, with some limited catches reported from the Mid-Atlantic Region. Furthermore, recreational fishermen have also noted that these species are used as bait for tuna and billfish, such as blue marlin. NMFS and the Council have determined that bullet mackerel and frigate mackerel are currently not in need of conservation and management, making them eligible for consideration as EC species. This preliminary eligibility determination was done after consideration of the provisions within the NS Guidelines and requirements of the Magnuson-Stevens Act. Furthermore, adding bullet mackerel and frigate mackerel to the Dolphin Wahoo FMP as EC species meets the FMP's ecosystem management objectives (50 CFR 600.305(c)(5) and 600.310(d)(1)).

Action Contained in Amendment 12

Amendment 12 would add bullet mackerel and frigate mackerel to the Dolphin Wahoo FMP and designate them as EC species. There would be no additional management measures added to the Dolphin Wahoo FMP as a result of this EC species designation, either for bullet and frigate mackerel, or for dolphin and wahoo.

If approved and implemented, Amendment 12 and the proposed rule could be expected to result in potential indirect benefits such as increased awareness among the fishermen, fishing communities, data collecting agencies, and regulatory entities managing dolphin, wahoo, bullet mackerel, and frigate mackerel. If landings for these two mackerel species were to greatly increase in the future to unsustainable levels, fisheries managers could be made aware of the changing stock status before the stocks are depleted which may have subsequent beneficial effects on populations of several economically important predatory fish species, including dolphin, wahoo, blue marlin, and yellowfin tuna.

Proposed Rule for Amendment 12

A proposed rule to implement Amendment 12 has been drafted. In accordance with the Magnuson-Stevens Act, NMFS is evaluating the proposed rule for Amendment 12 to determine whether it is consistent with the Dolphin Wahoo FMP, the Magnuson-Stevens Act, and other applicable law. If that determination is affirmative, NMFS will publish the proposed rule in the **Federal Register** for public review and comment.

Consideration of Public Comments

The Council has submitted Amendment 12 for Secretarial review, approval, and implementation. Comments on Amendment 12 must be received by March 30, 2021. Comments received during the respective comment periods, whether specifically directed to Amendment 12 or the proposed rule, will be considered by NMFS in the decision to approve, partially approve, or disapprove, Amendment 12. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 14, 2021.

Kelly Denit,

Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–01224 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register
Vol. 86, No. 18
Friday, January 29, 2021

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 25, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 1, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Rural Business-Cooperative Service

Title: Annual Survey of Farmer Cooperatives.

OMB Control Number: 0570–0007.

Summary of Collection: The Rural Business Cooperative Service (RBS) was mandated the responsibility to acquire and disseminate information pertaining to agricultural cooperatives under the Cooperative Marketing Act of 1926: 7 U.S.C. 451–457 and Public Law 450. The primary objective of RBS is to promote understanding, use and development of the cooperative form of business as a viable option for enhancing the income of agricultural producers and other rural residents. The annual survey collects basic statistics on cooperative business volume, net income, members, financial status, employees, and other selected information to support RBS' objective and role. RBS will use a variety of forms to collect information.

Need and Use of the Information: RBS uses the annual survey of farmer cooperatives to collect basic statistics on cooperative business volume, net income, members, financial status, employees, and other selected information to support RBCS' objective and role. Cooperative statistics are published in an annual report and other formats for use by the U.S. Department of Agriculture, cooperative management and members, educators and researchers, other Federal agencies, cooperative trade associations, general agribusiness, cooperative development practitioners, students, teachers, consultants, and many others. By not collecting this information, the RBS would have difficulties in carrying out its policy on farmer cooperatives.

Description of Respondents: Business or other for-profit.

Number of Respondents: 1,037.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 792.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–01930 Filed 1–28–21; 8:45 am]

BILLING CODE 3410–XY–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

January 26, 2021.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Comments regarding this information collection received by March 1, 2021 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Recordkeeping for Employment and Training Program Activity Report and Requests for Additional 100 Percent Funding.

OMB Control Number: 0584–0339.

Summary of Collection: The Balanced Budget Act of 1997 (Pub. L. 105–33),

modified the Employment and Training (E&T) Program so that States' efforts are now focused on a particular segment of the Supplemental Nutrition Assistance Program (SNAP) population—able-bodied adults without dependents (ABAWDs).

Requests for Additional E&T Funds: 7 CFR 273.7(d)(1)(i)(D) provides that if a State agency will not expend all of the funds allocated to it for a fiscal year, FNS will reallocate unexpended funds to other State agencies during the fiscal year or the subsequent fiscal year as FNS considers appropriate and equitable. After FNS makes initial E&T allocations, under 7 CFR 273.7(d)(1)(i), State agencies may request additional E&T funds if needed. FNS will reallocate available funds (*e.g.,* funds that are unallocated or funds that are allocated but will not be spent) in a fair and equitable manner.

Retention and Custody of Records. Under 7 CFR 277.12 (1) and (2), all financial records, supporting documents, statistical records, negotiated contracts, and all other records pertinent to program funds shall be maintained for three years from the date of submission of the annual financial status report or if any litigation, claim, or audit is started before the expiration of the three-year period, the applicable records shall be retained until these have been resolved.

Need and Use of the Information: FNS will review requests about their E&T programs so that the Department can monitor State performance to ensure that the program is being efficiently and economically operated. Without the information, FNS would be unable to make adjustments or allocate exemptions in accordance with the statute.

Description of Respondents: State, Local, or Tribal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: Occasionally; Annually.

Total Burden Hours: 50.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2021–01994 Filed 1–28–21; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF COMMERCE

Census Bureau

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Quarterly Services Survey

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on August 20, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: U.S. Census Bureau.

Title: Quarterly Services Survey.

OMB Control Number: 0607–0907.

Form Number(s): QSS–1A, QSS–1E, QSS–1PA, QSS–1PE, QSS–2A, QSS–2E, QSS–3A, QSS–3E, QSS–3SA, QSS–3SE, QSS–5A, QSS–5E, QSS–4A, QSS–4E, QSS–4FA, QSS–4FE, QSS–4SA, QSS–4SE.

Type of Request: Regular submission, Request for an Extension, without Change, of a Currently Approved Collection.

Number of Respondents: 22,500.

Average Hours per Response: 10 minutes: QSS–1A, QSS–1E, QSS–1PA, QSS–1PE, QSS–2A, QSS–2E, QSS–3A, QSS–3E, QSS–3SA, QSS–3SE, QSS–5A, QSS–5E. 15 minutes: QSS–4A, QSS–4E, QSS–4FA, QSS–4FE, QSS–4SA, QSS–4SE.

Burden Hours: 19,300.

Needs and Uses: The U.S. Census Bureau requests an extension, without change of the Quarterly Services Survey (QSS). In the 1980s, it was determined that the service economy, despite its growing importance and share of Gross Domestic Product (GDP), was not adequately covered by the existing federal statistical programs. At the time, the only services data available came from the Service Annual Survey (SAS) and the quinquennial Economic Census, therefore the decision was made to create a new principal economic indicator designed to expand upon the Census Bureau's existing annual survey. The QSS was first released in 2004, making it the first new U.S. federal government economic indicator in 30 years. The QSS is now a major source for the development of quarterly GDP and an indicator of short-term economic change.

The initial scope of the QSS was driven primarily by the Bureau of Economic Analysis (BEA) priorities and what the budget initiative would allow. The goal was to begin covering the most dynamic sectors of the service economy for which BEA had little to no alternate source data. In the wake of the dot-com bubble in the early 2000s, it was clear that information services and high-tech industries needed to be a priority as BEA experienced major revisions to their GDP estimates as annual data came in later. So, at the time it was launched, QSS produced estimates for just three North American Industry Classification System (NAICS) sectors (51, 54, and 56).

Shortly after the Financial Crisis in 2007–2008, QSS received approval to expand the scope of the survey to match that of the Economic Census of Services. A major part of this expansion would provide for tracking of the Financial sector which, of course, was now in the spotlight. Between 2009 and 2010, QSS underwent a multi-phased expansion, increasing the total coverage from three to eleven NAICS sectors.

QSS expanded yet again in 2012 to cover the Accommodation subsector which was the only remaining service industry with no sub-annual coverage.

We currently publish estimates based on the 2012 NAICS. The QSS covers all or parts of the following NAICS sectors: Utilities (excluding government owned); Transportation and warehousing (except rail transportation and postal) services; Information; Finance and insurance (except funds, trusts, and other financial vehicles); Real estate and rental and leasing; Professional, scientific, and technical services; Administrative and support and waste management and remediation services; Educational services (except elementary and secondary schools, junior colleges, and colleges, universities, and professional schools); Health care and social assistance; Arts, entertainment, and recreation; Accommodation; and Other services (except public administration). See Section 19 (NAICS Codes Affected) for a list of all of the QSS industries. The QSS provides the most current official measures of total revenue and percentage of revenue by class of customer (for selected industries) on a quarterly basis. In addition, the QSS provides the most current official quarterly measure of total expenses from tax-exempt firms in industries that have a large not-for-profit component. All

respondent data are received by mail, telephone, or internet reporting.

The total revenue estimates produced from the QSS provide current trends of economic activity in the service industry in the United States from service providers with paid employees.

In addition to revenue, we also collect total expenses from tax-exempt firms in industries that have a large not-for-profit component. Expenses provide a better measure of the economic activity of these firms. Expense estimates produced by the QSS, in addition to inpatient days and discharges for the hospital industry, are used by the Centers for Medicare and Medicaid Services (CMS) to project and study hospital regulation, Medicare payment adequacy, and other related projects. For select industries in the Arts, entertainment, and recreation sector, the survey produces estimates of admissions revenue.

Beginning with the release of 2016 fourth quarter estimates on February 17, 2017, the first Advance Quarterly Services Report was released in an effort to meet data users' needs for more timely data. Published approximately 50 days following the end of the quarter, the Advance Quarterly Services Report contains a snapshot of quarterly estimates of revenue for selected sectors, subsectors, and industries on a not seasonally adjusted basis. Our research found that these selected levels were good predictors of the estimates published in the full quarterly services report.

Beginning with the release of 2019 first quarter estimates on May 17, 2019, the Advance Quarterly Services Report includes a seasonally adjusted estimate for the Selected Services Total. Additionally, with the release of 2019 fourth quarter estimates on March 12, 2020, the Quarterly Services Report now includes 100 seasonally adjusted series. Seasonal adjustment is the process of estimating and removing seasonal effects from a time series in order to better reveal certain non-seasonal features. Many data users prefer seasonally adjusted data because they want to see those characteristics that seasonal movements tend to mask, especially changes in the direction of the series.

The notice in **Federal Register** on August 20, 2020, Vol. 85, No. 162, pages 51406–51408) announcing our plans to submit this request included information on the possible upcoming collection of a new module of business expectation. At this time, research and testing for an uncertainty pilot collection is still underway; once any concrete timeline is determined, a request for this additional module will be submitted.

Reliable measures of economic activity are essential to an objective assessment of the need for, and impact of, a wide range of public policy decisions. The QSS supports these measures by providing the latest estimates of service industry output on a quarterly basis.

Currently, the U.S. Census Bureau collects, tabulates, and publishes estimates to provide, with measurable reliability, statistics on domestic service total revenue, total expenses, and percentage of revenue by class of customer for select service providers. In addition, the QSS produces estimates for inpatient days and discharges for hospitals.

The BEA is the primary Federal user of QSS results. The BEA utilizes the QSS estimates to make improvements to the national accounts for service industries. In the National Income and Product Accounts (NIPA), the QSS estimates allow more accurate estimates of both Personal Consumption Expenditures (PCE) and private fixed investment. For example, published revisions to the quarterly NIPA estimates are often the result of incorporation of the latest source data from the QSS. Revenue estimates from the QSS are also used to produce estimates of gross output by industry that allow BEA to produce a much earlier release of the gross domestic product by industry estimates.

Estimates produced from the QSS are used by the BEA as a component of quarterly GDP estimates. The estimates also provide the Federal Reserve Board (FRB) and Council of Economic Advisors (CEA) with timely information on current economic performance. All estimates collected from this survey are used extensively by various government agencies and departments on economic policy decisions; private businesses; trade organizations; professional associations; academia; and other various business research and analysis organizations.

The CMS uses the QSS estimates to develop hospital spending estimates in the National Health Expenditure Accounts. In addition, the QSS estimates improve their ability to analyze changes in spending trends for hospitals and other healthcare services. The CMS also uses the estimates in its ten-year health spending forecast estimates and in studies related to Medicare policy and trends.

The Medicare Payment Advisory Commission (MedPac) utilizes the QSS estimates to assess payment adequacy in the current Medicare program.

The FRB and the CEA use the QSS information to better assess current economic performance. In addition, other government agencies, businesses, and investors use the QSS estimates for market research, industry growth, business planning and forecasting.

Private sector data users and other government agencies both benefit from an earlier release of U.S. services data. The Advance Quarterly Services Report allows policymakers and private data users to make data-driven decisions sooner due to this high-level snapshot of economic data. In addition, the release also allows the BEA to incorporate services data into the second estimate of the GDP. Prior to the implementation of the Advance Quarterly Services Report, Quarterly Services Survey estimates were incorporated in the third estimate of GDP.

Affected Public: Business or other for-profit organizations.

Frequency: Quarterly.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 U.S.C., Sections 131 and 182.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0607–0907.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–01936 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–847, A–475–840]

Forged Steel Fluid End Blocks From the Federal Republic of Germany and Italy: Amended Final Antidumping Duty Determination for the Federal Republic of Germany and Antidumping Duty Orders

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing antidumping duty orders on forged steel fluid end blocks from the Federal Republic of Germany (Germany) and Italy. In addition, Commerce is amending its final affirmative determination with respect to Germany.

DATES: Applicable January 29, 2021.

FOR FURTHER INFORMATION CONTACT: Katherine Johnson (Germany) or Hermes Pinilla (Italy), AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4929 or (202) 482–3477, respectively.

SUPPLEMENTARY INFORMATION:

Background

On December 11, 2020, Commerce published its affirmative final determinations in the less-than-fair-value (LTFV) investigations of forged steel fluid end blocks from Germany and Italy.[1] On December 14, 2020, Commerce received a ministerial error allegation with respect to its final determination in the forged steel fluid end blocks from Germany investigation.[2] *See* the ''Amendment to Final Determination for Germany'' section of this notice for further discussion. On January 25, 2021, the ITC notified Commerce of its final determinations, pursuant to section 735(d) of the Tariff Act of 1930, as amended (the Act), that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of LTFV imports of forged steel fluid end blocks from Germany and Italy.[3]

Scope of the Orders

The product covered by these orders is forged steel fluid end blocks from Germany and Italy. For a complete description of the scope of these orders, *see* the Appendix to this notice.

Amendment to Final Determination for Germany

A ministerial error is defined as an error in addition, subtraction, or other arithmetic function, clerical error resulting from inaccurate copying, duplication, or the like, and any other similar type of unintentional error which the Secretary considers ministerial.[4] Pursuant to section 735(e) of the Act and 19 CFR 351.224(e) and (f), Commerce is amending the *Germany Final Determination* to reflect the correction of a ministerial error in the final estimated weighted-average dumping margin calculated for BGH Edelstahl Siegen GmbH (BGH).[5] In addition, because BGH's estimated weighted-average dumping margin is the basis for the estimated weighted-average dumping margins for Schmiedewerke Groditz GmbH (SWG) and voestalpine Bohler Group (voestalpine), as well as the estimated weighted-average dumping margin determined for all other German producers and exporters of subject merchandise, we also are revising the estimated weighted-average dumping margins for SWG, voestalpine and the all-others rate in the *Germany Final Determination*.[6]

Antidumping Duty Orders

On January 25, 2021, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reason of imports of forged steel fluid end blocks from Germany and Italy.[7] Therefore, in accordance with section 735(c)(2) of the Act, Commerce is issuing these antidumping duty orders. Because the ITC determined that imports of forged steel fluid end blocks from Germany and Italy are materially injuring a U.S. industry, unliquidated entries of such merchandise from Germany and Italy, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise, for all relevant entries of forged steel fluid end blocks from Germany and Italy. With the exception of entries occurring after the expiration of the provisional measures period and before publication of the ITC's final affirmative injury determinations, as further described below, antidumping duties will be assessed on unliquidated entries of forged steel fluid end blocks from Germany and Italy entered, or withdrawn from warehouse, for consumption, on or after July 23, 2020, the date of publication of the preliminary determinations.[8]

Continuation of Suspension of Liquidation

Except as noted in the ''Provisional Measures'' section of this notice, in accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation on all relevant entries of forged steel fluid end blocks from Germany and Italy. These instructions suspending liquidation will remain in effect until further notice.

Commerce will also instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC's final affirmative injury determinations, CBP will require, at the same time as importers would normally deposit estimated duties on subject merchandise, a cash deposit equal to the rates listed below. The relevant all-others rate applies to all producers or exporters not specifically listed.

Because the estimated weighted-average dumping margin is zero for subject merchandise produced and exported by Metalcam S.p.A., entries of shipments of subject merchandise from this producer/exporter combination are excluded from the antidumping duty order on subject merchandise from Italy. This exclusion will not be applicable to

[1] *See Forged Steel Fluid End Blocks from the Federal Republic of Germany: Final Determination of Sales at Less Than Fair Value,* 85 FR 80018 (December 11, 2020) (*Germany Final Determination*); and *Forged Steel Fluid End Blocks from Italy: Final Determination of Sales at Less Than Fair Value,* 85 FR 79996 (December 11, 2020).

[2] *See* FEB Fair Trade Coalition's Letter, ''Forged Steel Fluid End Blocks from Germany: Petitioner's Allegation of Ministerial Errors in the Final Determination,'' dated December 14, 2020.

[3] *See* ITC Notification Letter, Investigation Nos. 701–TA–632–635 and 731–TA–1466 and 1468 (Final), dated January 25, 2021 (ITC Notification Letter).

[4] *See* section 735(e) of the Act; *see also* 19 CFR 351.224(f).

[5] *See* Memorandum, ''Final Determination of Sales at Less-Than-Fair-Value: Forged Steel Fluid End Blocks from the Federal Republic of Germany: Ministerial Error Allegation,'' dated December 23, 2020 (Ministerial Error Memorandum).

[6] *See infra,* section on ''Estimated Weighted-Average Dumping Margins''; *see also* Ministerial Error Memorandum.

[7] *See* ITC Notification Letter; *see also Fluid End Blocks from China, Germany, India, and Italy* (Inv. Nos. 701–TA–632–635 and 731–TA–1466 and 1468 (Final), USITC Publication 5152, January 2021).

[8] *See Forged Steel Fluid End Blocks from the Federal Republic of Germany: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 44513 (July 23, 2020) (*Germany Preliminary Determination*); *and Forged Steel Fluid End Blocks from Italy: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 44500 (July 23, 2020) (*Italy Preliminary Determination*).

merchandise exported to the United States by this respondent in any other producer/exporter combination or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

Provisional Measures

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that account for a significant proportion of forged steel fluid end blocks from Germany and Italy, Commerce extended the four-month period to six months in each of these investigations. Commerce published the preliminary determinations in these investigations on July 23, 2020.[9]

The extended provisional measures period, beginning on the date of publication of the preliminary determinations, ended on January 18, 2021. Therefore, in accordance with section 733(d) of the Act and our practice,[10] Commerce will instruct CBP to terminate the suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of forged steel fluid end blocks from Germany and Italy entered, or withdrawn from warehouse, for consumption after January 18, 2021, the final day on which the provisional measures were in effect, until and through the day preceding the date of publication of the ITC's final affirmative injury determinations in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

Germany

Exporter/producer	Estimated weighted-average dumping margin (percent)
BGH Edelstahl Siegen GmbH	4.79
Schmiedewerke Groditz GmbH	78.36
voestalpine Bohler Group	78.36
All Others	4.79

Italy

Exporter/producer	Estimated weighted-average dumping margin (percent)
Metalcam S.p.A	[11] 0.00
Lucchini Mame Forge S.p.A	7.33
IMER International S.p.A	58.48
Galperti Group	58.48
Mimest S.p.A	58.48
P. Technologies S.r.L	58.48
All Others	7.33

Notification to Interested Parties

This notice constitutes the antidumping duty orders with respect to forged steel fluid end blocks from Germany and Italy pursuant to section 736(a) of the Act. Interested parties can find a list of antidumping duty orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html*.

This amended final determination and antidumping duty orders are published in accordance with sections 735(e) and 736(a) of the Act and 19 CFR 351.224(e) and 19 CFR 351.211(b).

Dated: January 25, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products covered by these orders are forged steel fluid end blocks (fluid end blocks), whether in finished or unfinished form, and which are typically used in the manufacture or service of hydraulic pumps.

The term ''forged'' is an industry term used to describe the grain texture of steel resulting from the application of localized compressive force. Illustrative forging standards include, but are not limited to, American Society for Testing and Materials (ASTM) specifications A668 and A788.

For purposes of these orders, the term ''steel'' denotes metal containing the following chemical elements, by weight: (i) Iron greater than or equal to 60 percent; (ii) nickel less than or equal to 8.5 percent; (iii) copper less than or equal to 6 percent; (iv) chromium greater than or equal to 0.4 percent, but less than or equal to 20 percent; and (v) molybdenum greater than or equal to 0.15 percent, but less than or equal to 3 percent. Illustrative steel standards include, but are not limited to, American Iron and Steel Institute (AISI) or Society of Automotive Engineers (SAE) grades 4130, 4135, 4140, 4320, 4330, 4340, 8630, 15–5, 17–4, F6NM, F22, F60, and XM25, as well as modified varieties of these grades.

The products covered by these orders are: (1) Cut-to-length fluid end blocks with an actual height (measured from its highest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), an actual width (measured from its widest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), and an actual length (measured from its longest point) of 11 inches (279.4 mm) to 75 inches (1,905.0 mm); and (2) strings of fluid end blocks with an actual height (measured from its highest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), an actual width (measured from its widest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), and an actual length (measured from its longest point) up to 360 inches (9,144.0 mm).

The products included in the scope of these orders have a tensile strength of at least 70 KSI (measured in accordance with ASTM A370) and a hardness of at least 140 HBW (measured in accordance with ASTM E10).

A fluid end block may be imported in finished condition (*i.e.,* ready for incorporation into a pump fluid end assembly without further finishing operations) or unfinished condition (*i.e.,* forged but still requiring one or more finishing operations before it is ready for incorporation into a pump fluid end assembly). Such finishing operations may include: (1) Heat treating; (2) milling one or more flat surfaces; (3) contour machining to custom shapes or dimensions; (4) drilling or boring holes; (5) threading holes; and/or (6) painting, varnishing, or coating.

Excluded from the scope of these orders are fluid end block assemblies which (1) include (a) plungers and related housings, adapters, gaskets, seals, and packing nuts, (b) valves and related seats, springs, seals, and cover nuts, and (c) a discharge flange and related seals, and (2) are otherwise ready to be mated with the ''power end'' of a hydraulic pump without the need for installation of any plunger, valve, or discharge flange components, or any other further manufacturing operations.

The products included in the scope of these orders may enter under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7218.91.0030, 7218.99.0030, 7224.90.0015, 7224.90.0045, 7326.19.0010, 7326.90.8688, or 8413.91.9055. While these HTSUS subheadings are provided for convenience and customs purposes, the

[9] *See Germany Preliminary Determination* and *Italy Preliminary Determination.*

[10] *See, e.g., Certain Corrosion-Resistant Steel Products from India, India, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390, 48392 (July 25, 2016).

[11] After the final determination, Commerce directed CBP not to suspend liquidation of entries of subject merchandise produced and exported by Metalcam S.p.A. Subject merchandise from this producer/exporter combination is excluded from the antidumping duty order on Italy. *See* ''Continuation of Suspension of Liquidation'' section above.

written description of the scope of the orders is dispositive.

[FR Doc. 2021–01979 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–201–848]

Emulsion Styrene-Butadiene Rubber From Mexico: Preliminary Results of Antidumping Duty Administrative Review; 2018–2019

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) preliminarily determines that Industrias Negromex S.A. de C.V. (Negromex) made sales of subject merchandise at prices below normal value during the period of review (POR) September 1, 2018 through August 31, 2019. We invite interested parties to comment on these preliminary results.

DATES: Applicable January 29, 2021.

FOR FURTHER INFORMATION CONTACT: Annathea Cook, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0250.

SUPPLEMENTARY INFORMATION:

Background

On September 12, 2017, Commerce published the antidumping duty order on emulsion styrene-butadiene rubber (ESB rubber) from Mexico.[1] On November 12, 2019, in accordance with 19 CFR 351.221(c)(i), Commerce initiated an administrative review of the *Order,* covering Negromex.[2] For details regarding the events that followed the initiation of this review, *see* the Preliminary Decision Memorandum.[3]

On April 24, 2020, Commerce tolled all deadlines in administrative reviews by 50 days.[4] On July 15, 2020, pursuant to section 751(a)(3)(A) of the Tariff Act of 1930, as amended (the Act), we further extended the deadline for the preliminary results of this review by 120 days.[5] On July 21, 2020, Commerce tolled deadlines in administrative reviews by an additional 60 days.[6] The deadline for the preliminary results of this review is now January 19, 2021.

Scope of the Order

The product covered by the *Order* is ESB rubber from Mexico. For a full description of the scope, *see* the Preliminary Decision Memorandum.

Methodology

Commerce is conducting this review in accordance with section 751(a) of the Act. For a full description of the methodology underlying these preliminary results, *see* the Preliminary Decision Memorandum. A list of topics included in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is made available to the public via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum is available at *http://enforcement.trade.gov/frn/.* The signed and electronic versions of the Preliminary Decision Memorandum are identical in content.

Preliminary Results of the Review

We preliminarily determine that the following weighted-average dumping margin exists for the period September 1, 2018 through August 31, 2019:

Exporter/producer	Weighted-average dumping margin (percent)
Industrias Negromex S.A. de C.V	21.26

Disclosure and Public Comment

We intend to disclose the calculations performed to parties within five days after public announcement of the preliminary results.[7] Pursuant to 19 CFR 351.309(c), interested parties may submit case briefs no later than 30 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than seven days after the date for filing case briefs.[8] Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) A statement of the issue, (2) a brief summary of the argument, and (3) a table of authorities.[9] Executive summaries should be limited to five pages total, including footnotes. Case and rebuttal briefs should be filed using ACCESS.[10] Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.[11]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing must submit a written request to the Assistant Secretary for Enforcement and Compliance, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants, whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce will announce the date and time of the hearing. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Assessment Rates

Upon completion of the final results, Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries. If Negromex's weighted-average dumping margin is not zero or *de minimis* (*i.e.,* less than 0.5 percent) in the final results of this review, we will calculate importer-specific *ad valorem* antidumping duty

[1] *See Emulsion Styrene-Butadiene Rubber from Brazil, the Republic of Korea, Mexico, and Poland: Antidumping Duty Orders,* 82 FR 42790 (September 12, 2017) (*Order*).

[2] We note that the initiation notice separately referenced several companies: ''Industrias Negromex S.A. de C.V.''; ''Negromex S.A. de C.V.''; and ''Dynasol, LLC.'' *See Initiation of Antidumping and Countervailing Duty Administrative Reviews,* 84 FR 61011 (November 12, 2019). These names all reference Negromex or its affiliated U.S. importer. *See* Memorandum, ''Clarification of Company Name in Review Request,'' dated December 4, 2019; accordingly, this review covers one company, Negromex.

[3] *See* Memorandum, ''Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Emulsion Styrene-Butadiene Rubber from Mexico; 2018–2019,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews in Response to Operational Adjustments Due to COVID–19,'' dated April 24, 2020.

[5] *See* Memorandum, ''Emulsion Styrene-Butadiene Rubber from Mexico: Extension of Deadline for Preliminary Results of Antidumping Duty Administrative Review, 2018–2019,'' dated July 15, 2020.

[6] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Administrative Reviews,'' dated July 21, 2020.

[7] *See* 19 CFR 351.224(b).

[8] *See* 19 CFR 351.309(d); *see also Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19,* 85 FR 17006, 17007 (March 26, 2020) (''To provide adequate time for release of case briefs via ACCESS, E&C intends to schedule the due date for all rebuttal briefs to be 7 days after case briefs are filed (while these modifications remain in effect)'').

[9] *See* 19 CFR 351.303 (for general filing requirements).

[10] *See generally* 19 CFR 351.303.

[11] *See Temporary Rule Modifying AD/CVD Service Requirements Due to COVID–19; Extension of Effective Period,* 85 FR 41363 (July 10, 2020).

assessment rates based on the ratio of the total amount of dumping calculated for the importer's examined sales to the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific assessment rate calculated in the final results of this review is not zero or *de minimis.* If Negromex's weighted-average dumping margin is zero or *de minimis,* we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties. The final results of this review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.[12]

For entries of subject merchandise during the POR produced by Negromex for which it did not know that the merchandise was destined for the United States, we will instruct CBP to liquidate those entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.[13] Commerce intends to issue assessment instructions to CBP no earlier than 41 days after the date of publication of the final results of this review in the **Federal Register**, in accordance with 19 CFR 356.8(a).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the finals results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) The cash deposit rate for Negromex in the final results of review will be equal to the weighted-average dumping margin established in the final results of this administrative review; (2) for merchandise exported by a producer or exporter not covered in this review but covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently-completed segment of this proceeding in which it was reviewed; (3) if the exporter is not a firm covered in this review or the less-than-fair-value (LTFV) investigation but the producer is, then the cash deposit rate will be the rate established for the most recently-completed segment of this proceeding for the producer of the merchandise; (4) the cash deposit rate for all other producers or exporters will continue to be 19.52 percent,[14] the all-others rate established in the LTFV investigation. These cash deposit requirements, when imposed, shall remain in effect until further notice.

Final Results of Review

Unless otherwise extended, Commerce intends intend to issue the final results of this administrative review, including the results of our analysis of issues raised by the parties in the written comments, within 120 days of publication of these preliminary results in the **Federal Register**, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(1).

Notification to Importers

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

Notification to Interested Parties

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(4).

Dated: January 19, 2021.

Jeffrey I. Kessler,

Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2021–01921 Filed 1–28–21; 8:45 am]

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[12] *See* section 751(a)(2)(C) of the Act.

[13] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

[14] *See Order,* 82 FR at 42791.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–122]

Certain Corrosion Inhibitors From the People's Republic of China: Final Affirmative Determination of Sales at Less Than Fair Value

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that imports of certain corrosion inhibitors (corrosion inhibitors) from the People's Republic of China (China) are being, or are likely to be, sold in the United States at less than fair value (LTFV). The period of investigation is July 1, 2019 through December 31, 2019.

DATES: Applicable January 29, 2021.

FOR FURTHER INFORMATION CONTACT: Andre Gziryan, AD/CVD Operations, Office I, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2201.

SUPPLEMENTARY INFORMATION:

Background

On September 10, 2020, Commerce published its *Preliminary Determination* of sales at LTFV of corrosion inhibitors from China.[1] For a complete description of the events that followed the *Preliminary Determination, see* the Issues and Decision Memorandum.[2]

The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and the electronic versions of the Issues and Decision Memorandum are identical in content.

[1] *See Certain Corrosion Inhibitors from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures,* 85 FR 55825 (September 10, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Certain Corrosion Inhibitors from the People's Republic of China: Issues and Decision Memorandum for the Final Determination of Sales at Less Than Fair Value,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Scope Comments

No interested party commented on the scope of the investigation. Thus, we have not changed the scope of the investigation.

Scope of the Investigation

The products covered by this investigation are corrosion inhibitors from China. For a complete description of the scope of the investigation, *see* Appendix I.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Tariff Act of 1930, as amended (the Act).[3]

Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised in the Issues and Decision Memorandum is attached to this notice as Appendix II.

Changes Since the Preliminary Determination

Based on our analysis of the comments received, we made certain changes to the margin calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

Separate Rate Companies

No party commented on our preliminary separate rate determinations with respect to the mandatory respondents and the non-individually examined companies; [4] thus, there is no basis to reconsider our preliminary determinations with respect to separate rate status, and we have continued to grant them a separate rate in this final determination.

China-Wide Entity Rate and the Use of Adverse Facts Available

Commerce continues to find that the use of facts available is warranted in determining the rate of the China-wide entity pursuant to sections 776(a)(1) and (a)(2)(A)–(C) of the Act. As discussed in the Issues and Decision Memorandum, Commerce finds that the use of adverse facts available (AFA) is warranted with respect to the China-wide entity because the China-wide entity did not cooperate to the best of its ability to comply with our requests for information and, accordingly, we applied adverse inferences in selecting from the facts available, pursuant to section 776(b) of the Act and 19 CFR 351.308(a). For the final determination, as AFA, we are assigning the China-wide entity the highest transaction-specific dumping margin calculated for Botao, 277.90 percent. Because this constitutes primary information, the statutory corroboration requirement in section 776(c) of the Act does not apply.

Combination Rates

Consistent with the *Preliminary Determination* and Policy Bulletin 05.1,[5] Commerce calculated combination (producer/exporter) rates for the respondents that are eligible for a separate rate in this investigation.

Final Determination

Commerce determines that the following estimated weighted-average dumping margins exist:

Producer	Exporter	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent)
Nantong Botao Chemical Co., Ltd	Jiangyin Delian Chemical Co., Ltd	130.52	72.50
Nantong Kanghua Chemical Co., Ltd	Jiangyin Delian Chemical Co., Ltd	130.52	72.50
Nantong Botao Chemical Co., Ltd	Nantong Botao Chemical Co., Ltd	139.41	101.71
Anhui Trust Chem Co., Ltd	Anhui Trust Chem Co., Ltd	134.97	87.11
Gold Chemical Limited	Gold Chemical Limited	134.97	87.11
Jiangsu Bohan Industry Trade Co., Ltd	Gold Chemical Limited	134.97	87.11
Jiangyin Gold Fuda Chemical Co., Ltd	Gold Chemical Limited	134.97	87.11
Ningxia Ruitai Technology Co., Ltd	Gold Chemical Limited	134.97	87.11
SHANGHAI SUNTECH BIOCHEMICAL CO., LTD.	Gold Chemical Limited	134.97	87.11
Nantong Kanghua Chemical Co., Ltd	Nantong Kanghua Chemical Co., Ltd	134.97	87.11
Anhui Trust Chem Co., Ltd	Nanjing Trust Chem Co., Ltd	134.97	87.11
China-Wide Entity		277.90	241.02

Disclosure

We intend to disclose to parties in this proceeding the calculations performed for this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final determination in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we will instruct U.S. Customs and Border Protection (CBP) to continue to suspend liquidation of all appropriate entries of corrosion inhibitors from China, as described in the appendix to this notice, which were entered, or withdrawn from warehouse, for consumption on or after September 10, 2020, the date of publication of the *Preliminary Determination* of this investigation in the **Federal Register**.

Pursuant to section 735(c)(1)(B)(ii) of the Act, upon the publication of this notice, Commerce will instruct CBP to require a cash deposit equal to the weighted-average amount by which the normal value exceeds U.S. price as follows: (1) The cash deposit rate for the exporter/producer combinations listed in the table above will be the rate identified in the table; (2) for all

[3] *See* Commerce's Letters, dated November 4, 2020; Nantong Botao Chemical Co., Ltd.'s Letter, ''Botao Verification Questionnaire Response,'' dated November 12, 2020; and Jiangyin Delian Chemical Co., Ltd.' s Letter, ''Response to Questionnaire Issued in Lieu of Verification,'' dated November 12, 2020.

[4] *See Preliminary Determination* PDM at 9–12.

[5] *See* Enforcement and Compliance's Policy Bulletin No. 05.1, regarding, ''Separate-Rates Practice and Application of Combination Rates in Antidumping Investigations involving Non-Market Economy Countries,'' dated April 5, 2005 (Policy Bulletin 05.1), available on Commerce's website at *http://enforcement.trade.gov/policy/bull05-1.pdf.*

combinations of Chinese exporters/producers of subject merchandise that have not received their own separate rate above, the cash deposit rate will be the cash deposit rate established for the China-wide entity; and (3) for all non-Chinese exporters of subject merchandise which have not received their own separate rate above, the cash deposit rate will be the cash deposit rate applicable to the Chinese exporter/producer combination that supplied that non-Chinese exporter. These suspension of liquidation instructions will remain in effect until further notice.

To determine the cash deposit rate, Commerce normally adjusts the estimated weighted-average dumping margin by the amount of domestic subsidy pass-through and export subsidies determined in a companion countervailing duty (CVD) proceeding when CVD provisional measures are in effect. Accordingly, where Commerce makes an affirmative determination for domestic subsidy pass-through or export subsidies, Commerce offsets the calculated estimated weighted-average dumping margin by the appropriate rates. Commerce continues to find that both Botao and Delian qualify for a double-remedy adjustment. We have continued to adjust the cash deposit rates for Botao, Delian, all non-individually-examined companies, and the China-wide entity for export subsidies in the companion CVD investigation by the appropriate export subsidy rates [6] as indicated in the above chart. However, suspension of liquidation of provisional measures in the companion CVD case has been discontinued effective November 10, 2020; therefore, we are not instructing CBP to collect cash deposits based upon the adjusted estimated weighted-average dumping margin for those export subsidies and double remedy adjustment at this time.

International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Enforcement and Compliance. Because the final determination in this proceeding is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of subject merchandise from China no later than 45 days after our final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded. If the ITC determines that such injury does exist, Commerce will issue an AD order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding Administrative Protective Orders

This notice serves as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a violation subject to sanction.

Notification to Interested Parties

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act and 19 CFR 351.210(c).

Dated: January 25, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is tolyltriazole and benzotriazole. This includes tolyltriazole and benzotriazole of all grades and forms, including their sodium salt forms. Tolyltriazole is technically known as Tolyltriazole IUPAC 4,5 methyl benzotriazole. It can also be identified as 4,5 methyl benzotriazole, tolutriazole, TTA, and TTZ.

Benzotriazole is technically known as IUPAC 1,2,3-Benzotriazole. It can also be identified as 1,2,3-Benzotriazole, 1,2-Aminozophenylene, lH-Benzotriazole, and BTA.

All forms of tolyltriazole and benzotriazole, including but not limited to flakes, granules, pellets, prills, needles, powder, or liquids, are included within the scope of this investigation.

The scope includes tolyltriazole/sodium tolyltriazole and benzotriazole/sodium benzotriazole that are combined or mixed with other products. For such combined products, only the tolyltriazole/sodium tolyltriazole and benzotriazole/sodium benzotriazole component is covered by the scope of this investigation. Tolyltriazole and sodium tolyltriazole that have been combined with other products is included within the scope, regardless of whether the combining occurs in third countries.

Tolyltriazole, sodium tolyltriazole, benzotriazole and sodium benzotriazole that is otherwise subject to this investigation is not excluded when commingled with tolyltriazole, sodium tolyltriazole, benzotriazole, or sodium benzotriazole from sources not subject to this investigation. Only the subject merchandise component of such commingled products is covered by the scope of this investigation.

A combination or mixture is excluded from this investigation if the total tolyltriazole or benzotriazole component of the combination or mixture (regardless of the source or sources) comprises less than 5 percent of the combination or mixture, on a dry weight basis.

Notwithstanding the foregoing language, a tolyltriazole or benzotriazole combination or mixture that is transformed through a chemical reaction into another product, such that, for example, the tolyltriazole or benzotriazole can no longer be separated from the other products through a distillation or other process is excluded from this investigation.

Tolyltriazole has the Chemical Abstracts Service (CAS) registry number 299385–43–1. Tolyltriazole is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2933.99.8220.

Sodium Tolyltriazole has the CAS registry number 64665–57–2 and is classified under HTSUS subheading 2933.99.8290.

Benzotriazole has the CAS registry number 95–14–7 and is classified under HTSUS subheading 2933.99.8210.

Sodium Benzotriazole has the CAS registry number 15217–42–2. Sodium Benzotriazole is classified under HTSUS subheading 2933.99.8290.

Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[6] *See Certain Corrosion Inhibitors from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* dated concurrently with this notice.

[FR Doc. 2021–01975 Filed 1–28–21; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–116, C–428–848, C–533–894, C–475–841]

Forged Steel Fluid End Blocks From the People's Republic of China, the Federal Republic of Germany, India, and Italy: Countervailing Duty Orders, and Amended Final Affirmative Countervailing Duty Determination for the People's Republic of China

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: Based on affirmative final determinations by the Department of Commerce (Commerce) and the International Trade Commission (ITC), Commerce is issuing countervailing duty orders on forged steel fluid end blocks (FEBs) from the People's Republic of China (China), the Federal Republic of Germany (Germany), India, and Italy. In addition, Commerce is amending its final determination with respect to FEBs from China to correct ministerial errors.

DATES: Applicable January 29, 2021.

FOR FURTHER INFORMATION CONTACT: Jaron Moore at (202) 482–3640 or Janae Martin at (202) 482–0238 (China); Joseph Dowling at (202) 482–1646 or Robert Palmer at (202) 482–9068 (Germany); William Langley at (202) 482–3861 or Nicholas Czajkowski at (202) 482–1395 (India); and Konrad Ptaszynski at (202) 482–6187 or Nicholas Czajkowski at (202) 482–1395 (Italy); AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(a), 705(d), and 777(i)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(c), on December 11, 2020, Commerce published its affirmative final determinations that countervailable subsidies are being provided to producers and exporters of FEBs from China, Germany, India, and Italy.[1] In the investigation of FEBs from China, an interested party to the investigation submitted a timely filed allegation on the record that Commerce made certain ministerial errors in the final countervailing duty determination on FEBs from China. Section 705(e) of the Act and 19 CFR 351.224(f) define ministerial errors as errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other type of unintentional error which Commerce considers ministerial. We reviewed the allegations and determined that we made certain ministerial errors in the final countervailing duty determination on FEBs from China. *See* ''Amendment to the Final Determination'' section below for further discussion.

On January 25, 2021, the ITC notified Commerce of its affirmative final determinations that pursuant to sections 705(b)(1)(A)(i) and 705(d) of the Act, that an industry in the United States is materially injured by reason of subsidized imports of subject merchandise from China, Germany, India, and Italy.[2]

Scope of the Orders

The merchandise covered by these orders is FEBs from China, Germany, India, and Italy. For a complete description of the scope of these orders, *see* the appendix to this notice.

Amendment to the Final Determination of FEBs From China

On December 21, 2020, Shanghai Qinghe Machinery Co., Ltd. (Qinghe) timely alleged that the *China Final Determination* contained certain ministerial errors and requested that Commerce correct such errors.[3]

Commerce reviewed the record and, on January 6, 2020, agreed that an error referenced in Qinghe's allegation constituted a ministerial error within the meaning of section 705(e) of the Act and 19 CFR 351.224(f).[4] Specifically, Commerce found that it made an error in calculating Qinghe's sales denominator used in the *China Final Determination* by excluding ''other operating revenue'' from the denominator, and in the use of a denominator other than the sales value from the period of investigation.[5] Pursuant to 19 CFR 351.224(e), Commerce is amending the *China Final Determination* to reflect the correction of the ministerial error described above. Based on this correction, the subsidy rate for Qinghe decreased from 19.88 percent *ad valorem* to 19.31 percent *ad valorem*.[6] Because we based the all-others rate on Qinghe's *ad valorem* subsidy rate,[7] the correction described above also applies to the all-others rate. As a result, the all-others rate determined in the *China Final Determination* also decreased from 19.52 percent *ad valorem* to 19.05 percent *ad valorem*.[8] Because we used the subsidy rate for several programs in our calculation of the adverse facts available (AFA) rate, the AFA rate also decreased from 337.09 percent *ad valorem* to 336.55 percent *ad valorem*.[9]

Countervailing Duty Orders

On January 25, 2021, in accordance with sections 705(b)(1)(A)(i) and 705(d) of the Act, the ITC notified Commerce of its final determinations in these investigations, in which it found that an industry in the United States is materially injured by reason of subsidized imports of FEBs from China, Germany, India, and Italy.[10] Therefore, in accordance with section 705(c)(2) of the Act, Commerce is issuing these countervailing duty orders. Because the ITC determined that imports of FEBs from China, Germany, India, and Italy are materially injuring a U.S. industry, unliquidated entries of such merchandise from China, Germany, India, and Italy, entered or withdrawn from warehouse for consumption, are subject to the assessment of countervailing duties.

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[1] *See Forged Steel Fluid End Blocks from the People's Republic of China: Final Affirmative Countervailing Duty Determination,* 85 FR 80020 (December 11, 2020) (*China Final Determination*); *Forged Steel Fluid End Blocks From the Federal Republic of Germany: Final Affirmative Countervailing Duty Determination,* 85 FR 80011 (December 11, 2020); *Forged Steel Fluid End Blocks from India: Final Affirmative Countervailing Duty Determination,* 85 FR 79999 (December 11, 2020); and *Forged Steel Fluid End Blocks from Italy: Final Affirmative Countervailing Duty Determination,* 85 FR 80022 (December 11, 2020).

[2] *See* ITC's Letter, ''Notification of ITC Final Determinations,'' dated January 25, 2021 (ITC Notification Letter).

[3] *See* Qinghe's Letter, ''Qinghe Comments on Ministerial Errors in the Final Determination and the Disclosed Calculations for Qinghe: Countervailing Duty Investigation of Forged Steel Fluid End Blocks from the People's Republic of China (C–570–116),'' dated December 21, 2020.

[4] *See* Memorandum, ''Countervailing Duty Investigation of Forged Steel Fluid End Blocks from the People's Republic of China—Ministerial Error Allegations in the Final Determination,'' dated January 6, 2021 (Ministerial Error Memorandum), at 1–3.

[5] *Id.*

[6] *Id.*

[7] *See China Final Determination,* 85 FR at 80021.

[8] *See* Ministerial Error Memorandum.

[9] *Id.*

[10] *See* ITC Notification Letter.

Therefore, in accordance with section 706(a) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, countervailing duties for all relevant entries of FEBs from China, Germany, India, and Italy, which are entered, or withdrawn from warehouse, for consumption on or after May 26, 2020, the date of publication of the *Preliminary Determinations,*[11] but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC's final injury determinations under section 705(b) of the Act, as further described below.

Suspension of Liquidation and Cash Deposits

In accordance with section 706 of the Act, Commerce will instruct CBP to reinstitute the suspension of liquidation of FEBs from China, Germany, India, and Italy, as described in the appendix to this notice, effective on the date of publication of the ITC's notice of final determinations in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC's final injury determinations in the **Federal Register**, CBP must require, at the same time as importers would deposit estimated normal customs duties on this merchandise, a cash deposit equal to the rates noted below. The all-others rate applies to all producers or exporters not specifically listed below.

Company	Subsidy rate (percent)
China:	
Nanjing Develop Advanced Manufacturing Co., Ltd	16.80
Shanghai Qinghe Machinery Co., Ltd	19.31
China Machinery Industrial Products Co., Ltd	336.55
Anhui Tianyu Petroleum Equipment Manufacturing Co., Ltd.	
CNCCC Sichuan Imp & Exp Co., Ltd.	
GE Petroleum Equipment (Beijing) Co., Ltd.	
Jiaxing Shenghe Petroleum Machinery Co., Ltd.	
Ningbo Minmetals & Machinery Imp & Exp Co., Ltd.	
Qingdao RT G&M Co., Ltd.	
Shandong Fenghuang Foundry Co., Ltd.	
Shandongshengjin Ruite Energy Equipment Co., Ltd. (part of Shengli Oilfield R&T Group).	
Shanghai Baisheng Precision Machine.	
Shanghai Boss Petroleum Equipment.	
Shanghai CP Petrochemical and General Machinery Co., Ltd.	
Suzhou Douson Drilling & Production Equipment Co., Ltd.	
Zhangjiagang Haiguo New Energy Equipment Manufacturing Co., Ltd.	
Anhui Yingliu Electromechanical Co., Ltd.	
Daye Special Steel Co., Ltd., (Citic Specific Steel Group).	
Suzhou Fujie Machinery Co., Ltd., (Fujie Group).	
All Others	19.05
Germany:	
BGH Edelstahl Siegen GmbH	5.86
Schmiedewerke Gröditz GmbH	6.71
voestalpine Bohler Group	14.81
All Others	6.29
India:	
Bharat Forge Limited	5.20
All Others	5.20
Italy:	
Lucchini Mame Forge S.p.A	4.76
Metalcam S.p.A	3.12
All Others	3.52
Companies Subject to AFA (non-respondent companies): Forge Mochieri S.p.A.; Imer International S.p.A.; Galperti Group, Mimest S.p.A.; P. Technologies S.r.L	44.86

Provisional Measures

Section 703(d) of the Act states that instructions issued pursuant to an affirmative preliminary determination may not remain in effect for more than four months. In the underlying investigations, Commerce published the *Preliminary Determinations* on May 26, 2020. As such, the four-month period beginning on the date of the publication of the *Preliminary Determinations* ended on September 22, 2020. Furthermore, section 707(b) of the Act states that definitive duties are to begin on the date of publication of the ITC's final injury determination.

Therefore, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of FEBs from China, Germany, India, and Italy, entered, or withdrawn from warehouse, for consumption, on or after September 23, 2020, the date on

[11] *See Forged Steel Fluid End Blocks from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination,* 85 FR 31457 (May 26, 2020); *Forged Steel Fluid End Blocks from the Federal Republic of Germany: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 31454 (May 26, 2020); *Forged Steel Fluid End Blocks from India: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 31452 (May 26, 2020); and *Forged Steel Fluid End Blocks from Italy: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination with Final Antidumping Duty Determination,* 85 FR 31460 (May 26, 2020) (collectively, *Preliminary Determinations*).

which the provisional measures expired, until and through the day preceding the date of publication of the ITC's final injury determinations in the **Federal Register**. Suspension of liquidation will resume on the date of publication of the ITC's final determinations in the **Federal Register**.

Notification to Interested Parties

This notice constitutes the countervailable duty (CVD) orders with respect to FEBs from China, Germany, India, and Italy, pursuant to section 706(a) of the Act. Interested parties can find a list of CVD orders currently in effect at *http://enforcement.trade.gov/stats/iastats1.html.*

These orders are issued and published in accordance with section 706(a) of the Act and 19 CFR 351.211(b).

Dated: January 25, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The products covered by these orders are forged steel fluid end blocks (fluid end blocks), whether in finished or unfinished form, and which are typically used in the manufacture or service of hydraulic pumps.

The term ''forged'' is an industry term used to describe the grain texture of steel resulting from the application of localized compressive force. Illustrative forging standards include, but are not limited to, American Society for Testing and Materials (ASTM) specifications A668 and A788.

For purposes of these orders, the term ''steel'' denotes metal containing the following chemical elements, by weight: (i) Iron greater than or equal to 60 percent; (ii) nickel less than or equal to 8.5 percent; (iii) copper less than or equal to 6 percent; (iv) chromium greater than or equal to 0.4 percent, but less than or equal to 20 percent; and (v) molybdenum greater than or equal to 0.15 percent, but less than or equal to 3 percent. Illustrative steel standards include, but are not limited to, American Iron and Steel Institute (AISI) or Society of Automotive Engineers (SAE) grades 4130, 4135, 4140, 4320, 4330, 4340, 8630, 15–5, 17–4, F6NM, F22, F60, and XM25, as well as modified varieties of these grades.

The products covered by these orders are: (1) Cut-to-length fluid end blocks with an actual height (measured from its highest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), an actual width (measured from its widest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), and an actual length (measured from its longest point) of 11 inches (279.4 mm) to 75 inches (1,905.0 mm); and (2) strings of fluid end blocks with an actual height (measured from its highest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), an actual width (measured from its widest point) of 8 inches (203.2 mm) to 40 inches (1,016.0 mm), and an actual length (measured from its longest point) up to 360 inches (9,144.0 mm).

The products included in the scope of these orders have a tensile strength of at least 70 KSI (measured in accordance with ASTM A370) and a hardness of at least 140 HBW (measured in accordance with ASTM E10).

A fluid end block may be imported in finished condition (*i.e.,* ready for incorporation into a pump fluid end assembly without further finishing operations) or unfinished condition (*i.e.,* forged but still requiring one or more finishing operations before it is ready for incorporation into a pump fluid end assembly). Such finishing operations may include: (1) Heat treating; (2) milling one or more flat surfaces; (3) contour machining to custom shapes or dimensions; (4) drilling or boring holes; (5) threading holes; and/or (6) painting, varnishing, or coating.

Excluded from the scope of these orders are fluid end block assemblies which (1) include (a) plungers and related housings, adapters, gaskets, seals, and packing nuts, (b) valves and related seats, springs, seals, and cover nuts, and (c) a discharge flange and related seals, and (2) are otherwise ready to be mated with the ''power end'' of a hydraulic pump without the need for installation of any plunger, valve, or discharge flange components, or any other further manufacturing operations.

The products included in the scope of these orders may enter under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 7218.91.0030, 7218.99.0030, 7224.90.0015, 7224.90.0045, 7326.19.0010, 7326.90.8688, or 8413.91.9055. While these HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2021–01978 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–123]

Certain Corrosion Inhibitors From the People's Republic of China: Final Affirmative Countervailing Duty Determination

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (Commerce) determines that countervailable subsidies are being provided to producers and exporters of certain corrosion inhibitors from the People's Republic of China (China).

DATES: Applicable January 29, 2021.

FOR FURTHER INFORMATION CONTACT: Theodore Pearson or Nicholas Czajkowski, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2631 or (202) 482–1395, respectively.

SUPPLEMENTARY INFORMATION:

Background

The petitioner in this investigation is Wincom, Inc. In addition to the Government of China, the selected mandatory respondents in this investigation are Jiangyin Delian Chemical Co., Ltd. (Delian) and Nantong Botao Chemical Co., Ltd. (Botao).

On July 13, 2020, Commerce published in the **Federal Register** the Preliminary Determination of this investigation.[1] In the *Preliminary Determination,* in accordance with section 705(a)(1) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.210(b)(4), Commerce aligned the final CVD determination in this investigation with the final antidumping duty (AD) determination in the companion AD investigation of certain corrosion inhibitors from China. The revised deadline for the final determination of this investigation is now January 25, 2021. On October 29, 2020, Commerce issued a Post-Preliminary Analysis.[2]

A summary of the events that occurred since Commerce published the *Preliminary Determination,* as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum which is hereby adopted by this notice.[3] The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *http://access.trade.gov.* In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at *http://enforcement.trade.gov/frn/.* The signed and electronic versions

[1] *See Certain Corrosion Inhibitors from the People's Republic of China: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination,* 85 FR 41960 (July 13, 2020) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Post-Preliminary Analysis in the Countervailing Duty Investigation of Corrosion Inhibitors from the People's Republic of China,'' dated October 29, 2020.

[3] *See* Memorandum, ''Issues and Decision Memorandum for the Final Affirmative Determination of the Countervailing Duty Investigation of Corrosion Inhibitors from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

of the Issues and Decision Memorandum are identical in content.

Period of Investigation

The period of investigation is January 1, 2019, through December 31, 2019.

Scope of the Investigation

The products covered by this investigation are certain corrosion inhibitors from China. For a full description of the scope of this investigation, *see* Appendix I.

Analysis of Subsidy Programs and Comments Received

The subsidy programs under investigation and the issues raised in the case and rebuttal briefs by parties in this investigation are discussed in the Issues and Decision Memorandum. A list of the issues raised by parties, and to which we responded in the Issues and Decision Memorandum, is attached to this notice at Appendix II.

Methodology

Commerce conducted this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[4] For a full description of the methodology underlying our final determination, see the Issues and Decision Memorandum.

In making this final determination, Commerce relied, in part, on facts available pursuant to section 776(a) of the Act. Additionally, as discussed in the Issues and Decision Memorandum, because one or more respondents did not act to the best of their ability in responding to our requests for information, we drew adverse inferences, where appropriate, in selecting from among the facts otherwise available, pursuant to section 776(b) of the Act. This includes three companies that did not respond to Commerce's quantity and value questionnaire; as described in the *Preliminary Determination,*[5] we have applied an adverse inference in selection of facts available for determining the subsidy rates for these companies, pursuant to section 776(d) of the Act. For further information, see the section ''Use of Facts Otherwise Available and Adverse Inferences'' in the accompanying Issues and Decision Memorandum.

Verification

Commerce was unable to conduct on-site verification of the information relied upon in making its final determination in this investigation. However, we took additional steps in lieu of an on-site verification to verify the information relied upon in making this final determination, in accordance with section 782(i) of the Act.[6]

Changes Since the Preliminary Determination

Based on our review and analysis of the comments received from parties, we made certain changes to Botao and Delian's subsidy rate calculations. For a discussion of these changes, *see* the Issues and Decision Memorandum.

All-Others Rate

In accordance with section 705(c)(1)(B)(i)(I) of the Act, Commerce calculated a countervailable subsidy rate for the individually investigated exporters/producers of the subject merchandise. Section 705(c)(5)(A) of the Act provides that, in the final determination, Commerce shall determine an estimated all-others rate for companies not individually examined. The rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or rates based entirely under section 776 of the Act.

In this investigation, as discussed in the Issues and Decision Memorandum, Commerce calculated individual estimated countervailable subsidy rates for Delian and Botao that were not zero, *de minimis,* or based entirely under section 776 of the Act. Therefore, Commerce calculated an all-others rate using a simple average of the individual estimated subsidy rates calculated for Botao and Delian using each company's values for the merchandise under consideration because publicly ranged sales data was unavailable.[7]

Final Determination

Commerce determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent)
Jiangyin Delian Chemical Co., Ltd	93.05
Nantong Botao Chemical Co., Ltd	61.62
CAC Shanghai Chemical Co., Ltd	239.21
Jiangyin Gold Fuda Chemical Co., Ltd	239.21
Xinji Xi Chen Re Neng Co., Ltd	239.21
All Others	77.34

Disclosure

Commerce intends to disclose to interested parties the calculations and analysis performed in this final determination within five days of any public announcement or, if there is no public announcement, within five days of the date of the publication of this notice in accordance with 19 CFR 351.224(b).

Continuation of Suspension of Liquidation

As a result of our *Preliminary Determination* and pursuant to section 703(d)(1)(B) and (d)(2) of the Act, we instructed U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the ''Scope of the Investigation'' section entered, or withdrawn from warehouse, for consumption, effective July 13, 2020, which is the date of publication of the *Preliminary Determination* in the **Federal Register**. In accordance with section 703(d) of the Act, effective November 10, 2020, we instructed CBP

[4] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[5] *See Preliminary Determination* PDM at 12–20, section ''Application of AFA: Non-Responsive Q&V Questionnaire Recipients.''

[6] *See* Commerce's Letter, ''Certain Corrosion Inhibitors from the People's Republic of China: Nantong Botao Chemical Co., Ltd. Verification Questionnaire,'' dated November 30, 2020; *see also* Commerce's Letter, ''Certain Corrosion Inhibitors from the People's Republic of China: Jiangyin Delian Chemical Co., Ltd. Verification Questionnaire,'' dated November 30, 2020; Botao's Letter, ''Certain Corrosion Inhibitors from the People's Republic of China: Botao Verification Questionnaire Response,'' dated December 7, 2020; and Delian's Letter, ''Corrosion Inhibitors from China; C–570–123; CVD Questionnaire in Lieu of Verification,'' dated December 7, 2020.

[7] With two respondents under examination, Commerce normally calculates (A) a weighted-average of the estimated subsidy rates calculated for the examined respondents; (B) a simple average of the estimated subsidy rates calculated for the examined respondents; and (C) a weighted-average of the estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See, *e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53663 (September 1, 2010). As complete publicly ranged sales data are not available, Commerce based the all-others rate on a simple average of the mandatory respondents' subsidy rates.

to discontinue the suspension of liquidation of all entries at that time, but to continue the suspension of liquidation of all entries between July 13, 2020 and November 9, 2020.

If the U.S. International Trade Commission (ITC) issues a final affirmative injury determination, we will issue a CVD order, reinstate the suspension of liquidation and require a cash deposit of estimated countervailing duties for such entries of subject merchandise in the amounts indicated above, in accordance with section 706(a) of the Act. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated, and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

International Trade Commission Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our affirmative determination that countervailable subsidies are being provided to producers and exporters of corrosion inhibitors from China. Because the final determination in this proceeding is affirmative, in accordance with section 705(b) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports of corrosion inhibitors from China no later than 45 days after our final determination. If the ITC determines that material injury or threat of material injury does not exist, this proceeding will be terminated and all cash deposits will be refunded. If the ITC determines that such injury does exist, Commerce will issue a countervailing duty order directing CBP to assess, upon further instruction by Commerce, countervailing duties on all imports of the subject merchandise that are entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the ''Continuation of Suspension of Liquidation'' section.

Notification Regarding Administrative Protective Orders

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

This determination is issued and published pursuant to sections 705(d) and 777(i) of the Act and 19 CFR 351.210(c).

Dated: January 25, 2021.

Christian Marsh,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The merchandise covered by this investigation is tolyltriazole and benzotriazole. This includes tolyltriazole and benzotriazole of all grades and forms, including their sodium salt forms. Tolyltriazole is technically known as Tolyltriazole IUPAC 4,5 methyl benzotriazole. It can also be identified as 4,5 methyl benzotriazole, tolutriazole, TTA, and TTZ.

Benzotriazole is technically known as IUPAC 1,2,3-Benzotriazole. It can also be identified as 1,2,3-Benzotriazole, 1,2-Aminozophenylene, lH-Benzotriazole, and BTA.

All forms of tolyltriazole and benzotriazole, including but not limited to flakes, granules, pellets, prills, needles, powder, or liquids, are included within the scope of this investigation.

The scope includes tolyltriazole/sodium tolyltriazole and benzotriazole/sodium benzotriazole that are combined or mixed with other products. For such combined products, only the tolyltriazole/sodium tolyltriazole and benzotriazole/sodium benzotriazole component is covered by the scope of this investigation. Tolyltriazole and sodium tolyltriazole that have been combined with other products is included within the scope, regardless of whether the combining occurs in third countries.

Tolyltriazole, sodium tolyltriazole, benzotriazole and sodium benzotriazole that is otherwise subject to this investigation is not excluded when commingled with tolyltriazole, sodium tolyltriazole, benzotriazole, or sodium benzotriazole from sources not subject to this investigation. Only the subject merchandise component of such commingled products is covered by the scope of this investigation.

A combination or mixture is excluded from this investigation if the total tolyltriazole or benzotriazole component of the combination or mixture (regardless of the source or sources) comprises less than 5 percent of the combination or mixture, on a dry weight basis.

Notwithstanding the foregoing language, a tolyltriazole or benzotriazole combination or mixture that is transformed through a chemical reaction into another product, such that, for example, the tolyltriazole or benzotriazole can no longer be separated from the other products through a distillation or other process is excluded from this investigation.

Tolyltriazole has the Chemical Abstracts Service (CAS) registry number 299385–43–1. Tolyltriazole is classified under Harmonized Tariff Schedule of the United States (HTSUS) subheading 2933.99.8220.

Sodium Tolyltriazole has the CAS registry number 64665–57–2 and is classified under HTSUS subheading 2933.99.8290.

Benzotriazole has the CAS registry number 95–14–7 and is classified under HTSUS subheading 2933.99.8210.

Sodium Benzotriazole has the CAS registry number 15217–42–2. Sodium Benzotriazole is classified under HTSUS subheading 2933.99.8290.

Although the HTSUS subheadings and CAS registry numbers are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

Appendix II

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2021–01976 Filed 1–28–21; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Shipboard Observation Form for Floating Marine Debris

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before March 30, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0644 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to MaryLee Haughwout, Deputy Director, NOAA Marine Debris Program, 1305 East West Highway, Silver Spring, Maryland 20910, *MaryLee.Haughwout@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for extension of a currently approved information collection.

This data collection project will be coordinated by the NOAA Marine Debris Program, under the authority of Marine Debris Act (33 U.S.C. 1951 *et seq.*) to identify, determine sources of, assess, prevent, reduce, and remove marine debris and address the adverse impacts of marine debris on the economy of the United States, marine environment, and navigation safety. Information is collected from recreational and commercial vessels, shipboard observers, and non-government organizations (NGOs) who are on the ocean regularly, as well as numerous experts on marine debris observations at sea. The Shipboard Observation Form for Floating Marine Debris was created based on methods used in studies of floating marine debris by established researchers, previous shipboard observational studies conducted at sea by NOAA, and the experience and input of recreational sailors. The goal of this form is to be able to report the amount and types of visible, floating marine debris within an area of a water body of a known size. Additionally, this form will help collect data on floating marine debris that could result from future severe marine debris generating events in order to model the movement of the debris as well as prepare (as needed) for debris arrival. This form can be used to collect data on floating marine debris in any water body.

II. Method of Collection

Respondents have a choice of either electronic or paper forms. Methods of submittal include email of electronic forms, and mail and facsimile transmission of paper forms.

III. Data

OMB Control Number: 0648–0644.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Individuals or households; not-for profit institutions; business or other for-profit organizations.

Estimated Number of Respondents: 5.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 3 hours.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.

Respondent's Obligation: Voluntary.

Legal Authority: Marine Debris Act (33 U.S.C. 1951 *et seq.*).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–01955 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA833]

Mid-Atlantic Fishery Management Council (MAFMC); Public Hearings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public hearings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) will hold five public hearings via webinar and a written comment period to solicit public comments on a developing management action to consider potential changes to the allocation of total catch or landings between the commercial and recreational summer flounder, scup, and black sea bass fisheries.

DATES: The webinar hearings will be held between February 17 and March 2, 2021. Each hearing will take place from 6 p.m. to 8 p.m. EST. Written comments must be received on or before 11:59 p.m. EST, March 16, 2021. See **SUPPLEMENTARY INFORMATION** for more details, including the dates and times for all hearings.

ADDRESSES: All hearings will be hosted through GoToWebinar. You must use GoToWebinar to speak during the hearings. A listen-only call in option is also available. Participants will not be able to speak through the listen-only phone connection. To access any of the webinar hearings, please follow the registration prompts at *https://attendee.gotowebinar.com/rt/1218348356340238349.* To attend the webinar in listen only mode without the ability to speak, you may dial 1–877–309–2074 and enter access code 128–060–916.

A public hearing document with more information on this action is available at: *https://www.mafmc.org/actions/sfsbsb-allocation-amendment.* Copies of the document are also available by request from Dr. Chris Moore, Executive Director, Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

Public comments: Written comments may be sent by any of the following methods:

- *Email to: kdancy@mafmc.org* (subject: ''Summer Flounder, Scup, Sea Bass Allocation Amendment'').
- *Via webform at: https://www.mafmc.org/comments/sfsbsb-allocation-amendment.*
- *Mail to:* Chris Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, 800 North State Street, Suite 201, Dover, DE 19901. Mark the outside of the envelope ''Summer Flounder, Scup, Sea Bass Allocation Amendment.''
- *Fax to:* 302.674.5399 (subject: ''Summer Flounder, Scup, Sea Bass Allocation Amendment'').

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The Council and the Commission are developing a joint action to consider adjusting the allocations of catch or landings between the commercial and recreational fisheries for summer flounder, scup, and black sea bass. The commercial and recreational allocations for all three species are currently based on historical proportions of landings (for summer flounder and black sea bass) or catch (for scup) from each sector. The current allocations were set in the mid-1990s and have not been revised since that time. Recent changes in how recreational catch is estimated have resulted in a discrepancy between the current levels of estimated recreational harvest and the allocations of summer flounder, scup, and black sea bass to the recreational sector. This action will consider whether modifications to the allocations are needed in light of these and other changes in the fisheries. This action will also consider the option to transfer a portion of the allowable landings each year between the commercial and recreational sectors, in either direction, based on the needs of each sector, and consider whether future additional modifications to the commercial/recreational allocations and/or transfer provisions can be considered through a future FMP addendum/framework action, as opposed to an amendment. Additional information on this action is available at: *https://www.mafmc.org/actions/sfsbsb-allocation-amendment.*

The dates and times of the five webinar hearings are listed below. You are encouraged to participate in the hearing for your state or region; however, all hearings are open to all individuals.

1. Massachusetts and Rhode Island: Wednesday, February 17, 2021; 6–8 p.m. EST.

2. New Jersey: Thursday, February 18, 2021; 6–8 p.m. EST.

3. Delaware and Maryland: Wednesday, February 24, 2021; 6–8 p.m. EST.

4. Virginia and North Carolina: Monday, March 1, 2021; 6–8 p.m. EST.

5. Connecticut and New York: Tuesday, March 2, 2021; 6–8 p.m. EST.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Collins at the Mid-Atlantic Council Office, (302) 526–5253, at least 5 days prior to the hearing date.

Authority: 16 U.S.C. 101 *et seq.*

Dated: January 25, 2021.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–01944 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NOAA Geospatial Metadata

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before March 30, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0024 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Donald Collins, Oceanographer, NOAA/National Centers for Environmental Information, 1315 East West Hwy., Silver Spring, MD 20910, 301–713–4853, *Donald.Collins@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for revision and extension of a currently approved information collection. The National Oceanic and Atmospheric Administration (NOAA) collects, generates, retains, and redistributes geospatial metadata in a wide array of data formats covering diverse aspects of earth, biological, and space sciences. To fully understand and reuse these data over the course of many years, NOAA provides several metadata documentation tools for various communities of users to enable them to

easily create complete, standards-based descriptive information about geospatial data. The following tools, in use or planned for use by NOAA Program offices, are authorized to collect geospatial metadata consistent with Executive Order 12906, NOAA Administrative Order 212–15, and the 2013 Office of Science and Technology Policy Memorandum 'Public Access to Research Results'. Geospatial metadata collected by the listed tools are voluntary, but the ability for data documented by relevant geospatial metadata is significantly degraded if metadata are incomplete, inaccurate or otherwise less than the information collection tool supports.

- *National Environmental Satellite, Data and Information Service:* Send2NCEI web application (currently approved as OMB Control Number: 0648–0024).
- *National Environmental Satellite, Data and Information Service:* Advanced Tracking and Resource tool for Archive Collections (ATRAC) web application (new).
- *National Environmental Satellite, Data and Information Service:* Collection Metadata Editing Tool (CoMET) web application (new).
- *National Marine Fisheries Service (NMFS):* InPort metadata authoring tool (new).
- *Office of Oceanic and Atmospheric Research (OAR):* Science Data Information System (SDIS) metadata and data submission tool (new).

Collecting geospatial metadata is necessary to fully understand, use, and reuse geospatial data, geospatial metadata because metadata provides contextual information about data formats, bounding areas, use and access limitations (if any). Geospatial metadata from this information collection also supports multiple search and discovery catalog services, such as *data.gov,* NASA Global Change Master Directory (GCMD), and many others.

Information will be collected from data producers (primarily university, private industry, and government-funded scientific researchers) in multiple fields of geosciences, biological and atmospheric sciences, and socio-economic sciences. Geospatial metadata typically includes descriptive information about specific observed, calculated, or modelled data (*e.g.,* title, abstract, purpose statement, descriptive discovery keywords), characteristics of the described data (*e.g.,* date and spatial range of data collection activities, data processing steps, collected/measured variables and units of measure for those variables) and administrative information (*e.g.,* who collected or created data and metadata, how to cite data when used in scientific analyses). Information collected by the listed tools is used to inform the appropriate use of data described by related geospatial metadata.

The existing OMB control number is being revised to include additional information collection instruments that collect similar kinds of geospatial metadata as Send2NCEI, but that have different community-based practices or standards that provide for more or less details in the metadata requested. Additionally, the title of this collection of information is being revised from National Centers for Environmental Information (NCEI) Send2NCEI Web Application to NOAA Geospatial Metadata to more accurately reflect the revised collection of information.

II. Method of Collection

All of the listed information collection instruments use a series of guided web page (html) forms to collect specific elements of geospatial metadata (*e.g.,* start/end date of data observations, descriptive discovery keywords, file format types and file-naming conventions).

III. Data

OMB Control Number: 0648–0024.
Form Number(s): None.
Type of Review: Regular. [Revision and extension of a current information collection.]
Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government; Research universities.
Estimated Number of Respondents: 665 respondents per year,
Send2NCEI—300 respondents/year,
ATRAC—100 respondents/year,
CoMET—50 respondents/year,
InPort—15 respondents/year,
SDIS—200 respondents/year.
Estimated Time per Response: 1.95 hours,
Send2NCEI—.75 hours/response,
ATRAC—4 hours/response,
CoMET—3 hours/response,
InPort—1 hour/response,
SDIS—1 hour/response.
Estimated Total Annual Burden Hours: 990 hours.
Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting costs.
Respondent's Obligation: Voluntary. NMFS and OAR internal policies related to availability of future funding options may apply to users of InPort and SDIS tools, respectively.
Legal Authority: Executive Order 12906, NOAA Administrative Order 212–15, 2013 Office of Science and Technology Policy Memorandum 'Public Access to Research Results', NOAA Response to OSTP Memorandum 'Public Access to Research Results'.

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–01956 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–12–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; 3D Nation Elevation Data Requirements and Benefits Study

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before March 30, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0762 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Ashley Chappell, NOAA Integrated Ocean and Coastal Mapping Coordinator, 1315 East West Hwy., SSMC3, Rm 6813, Silver Spring, MD 20910, 240–429–0293, or *ashley.chappell@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for extension of a currently approved information collection.

NOAA, the U.S. Geological Survey (USGS), and partner mapping agencies are working to improve the technology systems, data, and services that provide information about 3D data and related applications within the United States. By continuing to learn about business uses and associated benefits that would be realized from improved 3D data, the agencies can more effectively prioritize and direct investments that will best serve user needs. The 3D Nation Elevation Data Requirements and Benefits Study [3D Nation Study] is part of the continuing effort to develop and refine future program alternatives that would provide enhanced 3D data to meet many Federal, State, and other national business needs.

In 2017, NOAA and the USGS initiated a 3D Nation Study follow-on to the National Enhanced Elevation Assessment (NEEA) white paper finalized in 2012 (NEEA overview can be found at *https://pubs.usgs.gov/fs/2012/3088/*). The 3D Nation Study incorporates coastal and ocean requirements for elevation data together with terrestrial elevation data needs. The primary tool to gather information is a questionnaire covering a wide range of business uses that depend on 3D data to inform policy, regulation, scientific research, and management decisions. For purposes of the study, 3D data refers to topographic elevation data (precise three-dimensional measurements of the terrestrial terrain) and bathymetric elevation data (three-dimensional surface of the underwater terrain). The 3D Nation Study seeks to understand needs for 3D elevation data in terms of mission critical activities, geographic extents of data needs, accuracy requirements, frequency needed, and anticipated benefits of having the required data. The study also aims to describe 3D elevation data needs in relation to other data types such as the shoreline; characteristics of tides, currents, and waves; and the physical and chemical properties of the water itself.

Because 3D data are collected and used to meet a wide range of mission critical needs, the 3D Nation Study seeks input from managers and data users from a variety of government entities (*e.g.,* Federal, State, local, Tribal) as well as not for profit, academic, and private/commercial entities. The findings will update a baseline of national business needs and associated benefits for 3D data and associated technologies. This baseline enhances the responsiveness of NOAA, USGS, and partner agency programs to stakeholder needs. It is intended to inform the design of directed future programs that balance requirements, benefits, and costs at a national scale. Collected responses are aggregated at the agency, organization, state and national levels. Responses associated with individuals are not distributed. The information collection is conducted using a standardized template. Responses are one-time and voluntary. In-person interviews to clarify questionnaire results may also be arranged. The current version of the study questionnaire is available at the 3D Nation Study information site (*https://my.usgs.gov/confluence/display/3DNationStudy/Questionnaire*).

II. Method of Collection

Emails are sent to a comprehensive list of stakeholders, with requests to forward to any other interested participants. The emails include a link to the online survey, which can also be provided upon request by paper or other means. In-person interviews may follow to resolve questions, clarify answers and add more detail to responses. Responses may be summarized at the organization level and verified by respondents willing for their input to be included in final reports and appendices.

III. Data

OMB Control Number: 0648–0762.

Form Number(s): None.

Type of Review: Regular submission (extension of a current information collection).

Affected Public: Federal government, State, local or tribal governments; not-for-profit institutions, academia, business or other for-profit organizations.

Estimated Number of Respondents: 600.

Estimated Time per Response: 2 hours.

Estimated Total Annual Burden Hours: 1200.

Estimated Total Annual Cost to Public: $0 in recordkeeping/reporting activities.

Respondent's Obligation: Voluntary.

Legal Authority: Coast and Geodetic Survey Act of 1947 (33 U.S.C. 883a *et seq.*).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we

cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–01954 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XA828]

Mid-Atlantic Fishery Management Council; Public Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold a meeting of its River Herring and Shad (RH/S) Advisory Panel (AP) via webinar.

DATES: The meeting will be held on Monday, February 8, 2021, from 1 p.m. to 4 p.m. See **SUPPLEMENTARY INFORMATION** below for agenda details.

ADDRESSES: The meeting will be held via online webinar, with connection information available via the Council's website at *www.mafmc.org.*

Council address: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of the meeting is gather AP input on several RH/S white papers being developed by Council staff. Briefing materials will be posted to the Council's website at *www.mafmc.org.*

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Collins, (302) 526–5253, at least 5 days prior to any meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 25, 2021.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2021–01945 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Applications and Reporting Requirements for Incidental Taking of Marine Mammals by Specified Activities Under the Marine Mammal Protection Act

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before March 30, 2021.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *Adrienne.thomas@noaa.gov.* Please reference OMB Control Number 0648–0151 in the subject line of your comments. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Dwayne Meadows, Ph.D., National Marine Fisheries Service, Office of Protected Resources F/PR1, 1315 East West Highway, Silver Spring, MD 20910, (301) 427–8647, *Dwayne.Meadows@noaa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for an extension of a currently approved information collection.

The Marine Mammal Protection Act of 1972 (MMPA; 16 U.S.C. 1361 *et. seq.*) prohibits the ''take'' of marine mammals unless otherwise authorized or exempted by law. Among the provisions that allow for lawful take of marine mammals, sections 101(a)(5)(A) and (D) of the MMPA direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), within a specified geographical region if, after notice and opportunity for public comment, we find that the taking will have a negligible impact on the affected species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). NMFS also must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (mitigation); and requirements pertaining to the monitoring and reporting of such taking. NMFS Office of Protected Resources leads the process for the agency.

Issuance of an incidental take authorization (Authorization) under section 101(a)(5)(A) or 101(a)(5)(D) of the MMPA requires three sets of information collection: (1) A complete application for an Authorization, as set forth in our implementing regulations at 50 CFR 216.104, which provides the information necessary for us to make the necessary statutory determinations, including estimates of take and an assessment of impacts on the affected species and stocks; (2) information relating to required monitoring; and (3) information related to required reporting. These collections of information enable us to: (1) Evaluate the proposed activity's impact on marine mammals; (2) arrive at the appropriate determinations required by the MMPA and other applicable laws prior to issuing the authorization; and (3) monitor impacts of activities for which we have issued Authorizations to determine if our predictions regarding impacts on marine mammals remain valid.

We do not propose any changes to the information collection beyond expecting an increased number of respondents and responses due to increases in the number of requests for incidental take authorizations.

II. Method of Collection

Respondents have a choice of submitting either electronic or paper forms. Methods of submittal include email, mail, overnight delivery service, and/or facsimile transmissions.

III. Data

OMB Control Number: 0648–0151.
Form Number(s): None.
Type of Review: Regular submission (extension of a current information collection).
Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.
Estimated Number of Respondents: 187.
Estimated Time per Response: 281 hours for an Incidental Harassment Authorization (IHA) application; 30 hours for an IHA interim report (if applicable); 140 hours for an IHA draft annual report; 28 hours for an IHA final annual report (if applicable); 1,200 hours for the initial preparation of an application for new regulations; 70 hours for an annual Letter of Authorization (LOA) application; 225 hours for an LOA draft annual report; 70 hours for a LOA final annual report (if applicable); 640 hours for a LOA draft comprehensive report; 300 hours for an LOA final comprehensive report; 140 hours for a GOM draft annual report; and 28 hours for a GOM final annual report. Response times will vary for the public based upon the complexity of the requested action.
Estimated Total Annual Burden Hours: 68,326.
Estimated Total Annual Cost to Public: $617,822 in recordkeeping/reporting costs and $0 in capital costs.
Respondent's Obligation: Mandatory.
Legal Authority: Marine Mammal Protection Act of 1972 (MMPA, 16 U.S.C. 1361 *et. seq.*).

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.

[FR Doc. 2021–01938 Filed 1–28–21; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to the Procurement List.

SUMMARY: This action adds product(s) and service(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Date added to the Procurement List:* February 28, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Additions

On 10/23/2020, the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and service(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) and service(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) and service(s) to the Government.

2. The action will result in authorizing small entities to furnish the product(s) and service(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) and service(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) and service(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
5340–00—NIB–0378—Doorstop, No-Slip, Wedge Style, Rubber, Large, Brown
5340–00—NIB–0379—Doorstop, No-Slip, Wedge Style, Rubber, Large, Brown, 2 PK
5340–00—NIB–0380—Doorstop, No-Slip, Wedge Style, Rubber, Extra Large, Brown
5340–00—NIB–0381—Doorstop, No-Slip, Wedge Style, Rubber, Extra Large, Brown, 2 PK
5340–00—NIB–0382—Doorstop, Heavy Duty, Wedge Style, Magnetic, Rubber, Extra Large, Yellow
Designated Source of Supply: North Central Sight Services, Inc., Williamsport, PA
Contracting Activity: FEDERAL ACQUISITION SERVICE, GSA/FSS GREATER SOUTHWEST ACQUISITI
List Designation: A-List
Mandatory For: Total Government Requirement

Service(s)

Service Type: Custodial Service
Mandatory for: U.S. Air Force, Cannon Air Force Base, NM
Mandatory Source of Supply: ENMRSH, Inc., Clovis, NM
Contracting Activity: DEPT OF THE AIR FORCE, FA4855 27 SOCONS LGC

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–01981 Filed 1–28–21; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed additions and deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product(s) the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes product(s) and service(s) previously furnished by such agencies.

DATES: *Comments must be received on or before:* February 28, 2021.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S Clark Street, Suite 715, Arlington, Virginia 22202–4149.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 603–2117, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
MR 10793—Refrigerator Freshener, Includes Shipper 20793
Designated Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Contracting Activity: Military Resale-Defense Commissary Agency
List Designation: C-List
Mandatory For: The requirements of military commissaries and exchanges in accordance with the 41 CFR 51–6.4

NSN(s)—Product Name(s):
6135–01–630–6867—Battery, Zinc Carbon, Lantern, Non-Rechargeable, 6V, Screw Terminal
Designated Source of Supply: Eastern Carolina Vocational Center, Inc., Greenville, NC
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA LAND AND MARITIME
List Designation: C-List
Mandatory For: 100% of the requirement of the Department of Defense

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
5855–00–125–0713—Strap Assembly, Night Vision
Designated Source of Supply: Cambria County Association for the Blind and Handicapped, Johnstown, PA
Contracting Activity: DLA AVIATION, RICHMOND, VA

NSN(s)—Product Name(s):
4240–01–441–0562—Head Harness (without Mask)
Contracting Activity: W4GG HQ US ARMY TACOM, ROCK ISLAND, IL

NSN(s)—Product Name(s):
3990–00–892–4394—Pallet, Material Handling
Designated Source of Supply: Northeastern Michigan Rehabilitation and Opportunity Center (NEMROC), Alpena, MI; Knox County Association for Remarkable Citizens, Inc., Vincennes, IN
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

NSN(s)—Product Name(s):
5340–01–118–6678—Clamp, Loop, CRES, 3/4″ Loop x 1/2″ wide
5340–01–252–4644—Clamp, Loop, CRES, 14/16″ loop x 1/2″ wide
Designated Source of Supply: Skookum Educational Programs, Bremerton, WA
Contracting Activity: DLA TROOP SUPPORT, PHILADELPHIA, PA

Service(s)

Service Type: Mail Management Support Service
Mandatory for: US Navy, Official Mail Centers Carderock, West Bethesda, MD
Designated Source of Supply: NewView Oklahoma, Inc., Oklahoma City, OK
Contracting Activity: DEPT OF THE NAVY, NAVSUP FLT LOG CTR NORFOLK

Service Type: Acquisition Support Services
Mandatory for: DCMA Headquarters, Alexandria, VA
Designated Source of Supply: Virginia Industries for the Blind, Charlottesville, VA
Contracting Activity: DEFENSE CONTRACT MANAGEMENT AGENCY (DCMA), DEFENSE CONTRACT MANAGEMENT AGENCY

Service Type: Administrative and Professional Support Services
Mandatory for: Executive Office of the President, Washington, DC
Mandatory Source of Supply: Columbia Lighthouse for the Blind, Washington, DC
Contracting Activity: EXECUTIVE OFFICE OF THE PRESIDENT, EXECUTIVE OFFICE OF THE PRESIDENT

Service Type: Customer Service Representatives
Mandatory for: Fleet and Industrial Supply Center: SERVMART Division, Norfolk, VA
Designated Source of Supply: Virginia Industries for the Blind, Charlottesville, VA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Customer Service Representatives
Mandatory for: GSA, Northwest Arctic Region: 400 15th Street, SW, Auburn, WA
Designated Source of Supply: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR

Service Type: Switchboard Operation
Mandatory for: Harry S. Truman Memorial Veterans Hospital, Columbia, MO
Designated Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: VETERANS AFFAIRS, DEPARTMENT OF, NAC

Michael R. Jurkowski,

Deputy Director, Business & PL Operations.

[FR Doc. 2021–01980 Filed 1–28–21; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2021–SCC–0015]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and approval; Comment Request; Application for Grants Under the Historically Black Colleges and Universities Master's Degree Program

AGENCY: Office of Postsecondary Education (OPE), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a reinstatement without change of a previously approved collection.

DATES: Interested persons are invited to submit comments on or before March 1, 2021.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection request by selecting ''Department of Education'' under ''Currently Under Review,'' then check ''Only Show ICR for Public Comment''

checkbox. Comments may also be sent to *ICDocketmgr@ed.gov.*

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact Darryl Davis, 202–453–7582.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Application for Grants Under the Historically Black Colleges and Universities Master's Degree Program.

OMB Control Number: 1840–0806.

Type of Review: Reinstatement without change of a previously approved collection.

Respondents/Affected Public: State, Local, and Tribal Governments.

Total Estimated Number of Annual Responses: 18.

Total Estimated Number of Annual Burden Hours: 306.

Abstract: The Higher Education Opportunity Act (HEOA) of 2008 amended Title VII, Subpart 4 of the Higher Education Act of 1965 to add a new master's degree program to advance educational opportunities for African Americans. The Historically Black Colleges and Universities Master's Degree Program authorizes the Department of Education (the Department) to award grants to specified institutions that the Department determines are making a substantial contribution to graduate education opportunities for African Americans at the master's level in mathematics, engineering, the physical or natural sciences, computer science, information technology, nursing, allied health or other scientific disciplines. This program provides grants for up to six years to establish or strengthen qualified master's degree programs in these fields at eligible institutions.

This collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1894–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection request.

Dated: January 26, 2021.

Kate Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2021–01970 Filed 1–28–21; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket ID ED–2020–FSA–0139]

Privacy Act of 1974; Matching Program

AGENCY: Department of Education.

ACTION: Notice of a new Computer Matching Agreement.

SUMMARY: This document provides notice of a new Computer Matching Agreement (CMA) between the U.S. Department of Education (the Department) and the Department of Defense (DoD). The current 18-month CMA was recertified for an additional 12 months on February 27, 2020, and will automatically expire on February 26, 2021.

DATES: Submit your comments on the proposed CMA on or before March 1, 2021. The CMA will be effective March 1, 2021, unless comments have been received from interested members of the public requiring modification and republication of the notice.

ADDRESSES: Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* to submit your comments electronically. Information on using *Regulations.gov*, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under the ''help'' tab.
- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about this new CMA, address them to the person listed under **FOR FURTHER INFORMATION CONTACT**.

Privacy Note: ED's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at *www.regulations.gov.* Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Gerard Duffey, Management and Program Analyst, Wanamaker Building, U.S. Department of Education, Federal Student Aid, 100 Penn Square East, Suite 509.B10, Philadelphia, PA 19107. Telephone: (215) 656–3249.

SUPPLEMENTARY INFORMATION: In accordance with the Privacy Act; OMB Final Guidance Interpreting the Provisions of Public Law 100–503, the Computer Matching and Privacy Protection Act of 1988, published in the **Federal Register** on June 19, 1989 (54 FR 25818); and OMB Circular No. A–108, notice is hereby provided of the re-establishment of the matching program between ED and DoD.

The Secretary of Defense must provide the Secretary of Education with information to identify the children of military personnel who have died as a result of their military service in Iraq or Afghanistan after September 11, 2001, to determine if the child is eligible for increased amounts of title IV, HEA program assistance.

The CMA will continue for 18 months after the effective date of the CMA and may be extended for an additional 12 months thereafter, if the conditions specified in sections 420R and 473(b) of the Higher Education Act (HEA) (20 U.S.C. 1070h), 473(b) of the HEA (20 U.S.C. 1087mm(b)(3)), and in accordance with the Privacy Act of 1974 (5 U.S.C. 552a), have been met.

Participating Agencies: The Department of Education (the Department) and the Department of Defense (DoD).

Authority for Conducting the Matching Program: ED is authorized to participate in the matching program under sections 420R and 473(b) of the

HEA (20 U.S.C. 1070h and 20 U.S.C. 1087mm(b)) and in accordance with the Privacy Act of 1974 (5 U.S.C. 552a).

Purpose(s): The purpose of this matching program between ED and DoD is to identify children whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001. These children (referred to as qualifying students) may be eligible for a greater amount of title IV, HEA program assistance. A qualifying student must have been age 24 or younger at the time of the parent's or guardian's death, or, if older than 24, enrolled part-time or full-time in an institution of higher education at the time of the parent's or guardian's death.

Verification by this matching program provides an efficient and comprehensive method of identifying students whose parent or guardian was a member of the Armed Forces of the United States and died as a result of performing military service in Iraq or Afghanistan after September 11, 2001.

Categories of Individuals: The individuals whose records are included in this matching program are dependents of service personnel who died as a result of performing their Armed Forces military service in Iraq or Afghanistan after September 11, 2001, whose records are located in the DoD Defense Manpower Data Center (DMDC) Database (76 FR 72391) (November 23, 2011), the Defense Enrollment Eligibility Reporting System (DEERS) (81 FR 49210) (July 27, 2016), and all students who complete a Free Application for Federal Student Aid.

Categories of Records: DoD uses the following data elements in this matching program: Dependent's Name, Date of Birth and Social Security Number (SSN)—extracted from DEERS; and Parent or Guardian's Date of Death—extracted from the DMDC Data Base. ED uses the SSN, date of birth, and the first two letters of an applicant's last name to match applicant records.

System(s) of Records: ED system of records: Federal Student Aid Application File (18–11–01) last published in the **Federal Register** on October 29, 2019 (84 FR 57856). Routine Uses 1 and 13 apply to this CMA. (See *https://www.federalregister.gov/documents/2019/10/29/2019-23581/privacy-act-of-1974-system-of-records.*) (*Note:* The ED Central Processing System [CPS] is the ED information system that processes data from the Federal Student Aid Application File.)

DoD system of records: DMDC 01, Defense Manpower Data Center Data Base (76 FR 72391) (November 23, 2011), and DMDC 02 DoD Defense Enrollment Eligibility Reporting Systems (DEERS) (81 FR 49210) (July 27, 2016).

Accessible Format: Individuals with disabilities can obtain this document in an accessible format (such as, braille, large print, or audiotape) by contacting the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Mark Brown,

Chief Operating Officer Federal Student Aid.

[FR Doc. 2021–02002 Filed 1–27–21; 4:15 pm]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Creating a Robust Accelerator Science & Technology Ecosystem

AGENCY: Office of Accelerator R&D and Production, Office of Science, Department of Energy (DOE).

ACTION: Request for information (RFI).

SUMMARY: The Office of Accelerator R&D and Production, as DOE's coordinating office for accelerator R&D to support the Office of Science research mission, is requesting information on the current state of the accelerator technology market, and for information about successful public-private-partnership models.

DATES: Written comments and information are requested on or before March 15, 2021.

ADDRESSES: Interested persons may submit comments by email only. Comments must be sent to *ARDAPRFI@science.doe.gov* with the subject line ''Accelerator RFI Comments''.

FOR FURTHER INFORMATION CONTACT: Dr. Eric R. Colby, (301) 903–5475, *Eric.Colby@science.doe.gov.*

SUPPLEMENTARY INFORMATION:

The Challenge: Particle Accelerators and closely related technologies play a key role in the discovery sciences, including Basic Energy Sciences, Fusion Energy Sciences, High Energy Physics, and Nuclear Physics. Modern discovery science accelerators are high technology instruments of remarkable complexity, having advanced over eight orders of magnitude in energy since their invention. Aggressive reinvention of the underlying technology has driven improvements in this science and has required sustained investment in accelerator science R&D that advances the methods, materials, and understanding of accelerator science. National Laboratories, academia, and industry each play vital, mutually reinforcing roles in the success of the accelerator-based discovery sciences. They provide a pipeline of scientific and technological advances and corresponding accelerator-component production capability, both necessary to sustain U.S. leadership in this area. With an estimated 30,000 particle accelerators operating worldwide, there is a significant and growing need [1] for a technically proficient industrial base that can provide the increasingly high technology components for modern accelerators. Reductions in federally funded long-term accelerator R&D over the past decade, coupled with marginal domestic markets for accelerator technologies have resulted in weakening of the domestic accelerator technology production capability.

The Response: The U.S. Department of Energy, acting through the Office of Accelerator R&D and Production in the Office of Science, is gathering information on the state of the accelerator technology ecosystem, and on future investments that would be of mutual benefit to both DOE's physical sciences research mission and to industry.

For the purposes of this Request for Information, Accelerator Technology encompasses the materials, components, subsystems, and integrated accelerator systems needed for modern accelerators. This includes accelerator structures (both room temperature and superconducting); high power radio frequency sources and transmission components; high efficiency high-voltage pulsed-power systems; high precision accelerator magnets (both conventional and superconducting); high power laser systems; high brightness sources of electrons, protons,

[1] ''Accelerators for America's Future'', workshop report, *http://science.energy.gov/~/media/hep/pdf/accelerator-rd-stewardship/Report.pdf* (2009).

and ions; high power targets for secondary beam generation; precision x-ray optics; particle and radiation detectors, and advanced accelerator concepts. It also includes materials such as superconducting sheet, wire, and cable; permanent magnet materials; materials for laser and x-ray optics and coatings; photocathode materials and structures for polarized electron sources; and materials for particle detectors.

The transfer of high technology from academic and research use into industrialized production for broader use is a vital step towards reducing cost and increasing reliability of particle accelerators generally. Collaborative models of accelerator R&D, public-private partnerships, cooperative research and development agreements, Small Business Innovation Research programs, and industrial R&D are but a few of the critical mechanisms that move technology from concept to practice.

Request for Information: The objective of this request for information is to gather information about the current marketplace of particle accelerator technology, and to explore opportunities, possible partnerships, and mechanisms to strengthen the domestic supply chain.

The questions below are intended to assist in the formulation of comments and should not be considered as a limitation on either the number or the issues that may be addressed in such comments. A summary of the comments provided will be made public.

The DOE Office of Accelerator R&D and Production is specifically interested in receiving input pertaining to any of the following questions:

Status and Future of the Market

1. What are the current industrial applications of particle accelerators and closely related accelerator technologies (see previous description)? What is the approximate size of these markets?

2. What are the emergent industrial applications of particle accelerators and closely related technologies?

3. Are there specific aspects of the current market that pose challenges to maintaining a viable accelerator technology business?

4. Are there specific aspects of the current market that inhibit technology transfer and/or the introduction of new accelerator technologies?

Models for Technology Transfer

5. What mechanisms are currently in use to transfer technology innovations to industrial practice in your technology area?

a. What aspects of these mechanisms are effective?

b. What opportunities exist to improve these mechanisms?

c. How widely known or easily accessible are these mechanisms?

6. Can you describe previous examples of successful technology R&D partnerships or mechanisms? Why, specifically, were these partnerships or mechanisms successful?

7. Can you describe examples of failed technology partnerships or mechanisms? Why, specifically, did these attempts fail?

8. Are there new models of technology transfer that should be explored?

Workforce Development

9. Do present training mechanisms such as SULI,[2] post-baccalaureate programs in accelerator science & engineering, Traineeship Programs,[3] USPAS,[4] and the Energy I-Corps [5] meet the workforce needs for industry, academia, and the national laboratories?

a. What aspects of current training mechanisms could be improved?

b. What additional mechanisms could be used to improve overall workforce expertise and readiness?

Defining an Optimal Federal Role

10. What mix of institutions (industrial, academic, lab, government) could best carry out the required technology transfer R&D, and who should drive the R&D?

11. What collaboration models would be most effective for pursuing joint technology R&D?

12. How could accelerator technology R&D efforts engage with other innovation and manufacturing initiatives, such as Manufacturing USA? [6]

13. At what point in the technology transfer and subsequent manufacturing development cycle would federal support no longer be needed?

14. How best can integrated production know-how for niche market technologies be preserved once high-quality sustainable production has been achieved?

15. What metrics should be used to assess the progress of an accelerator technology transfer effort over the short term (*e.g.,* 1–2 years) and long term (*e.g.,* 5 years or more)?

Other Factors

16. Are there other factors, not addressed by the questions above, that impact the successful transfer and industrialization of accelerator technology?

Depending on the response to this RFI, a subsequent workshop may be held to further explore and elaborate the opportunities.

Signing Authority

This document of the Department of Energy was signed on January 25, 2021, by J. Stephen Binkley, Acting Director, Office of Science, pursuant to delegated authority from the Acting Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on January 26, 2021.

Treena V. Garrett,

Federal Register Liaison Officer, U.S. Department of Energy.

[FR Doc. 2021–01959 Filed 1–28–21; 8:45 am]

BILLING CODE 6450–01–P

[2] *https://science.osti.gov/wdts/suli.*

[3] *https://uspas.fnal.gov/opportunities/educational-opps/DOE-traineeships.shtml.*

[4] *https://uspas.fnal.gov/index.shtml.*

[5] *https://energyicorps.energy.gov/.*

[6] See *https://www.manufacturingusa.com/for a program description.*

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 10855–333]

Upper Peninsula Power Company: Notice of Application for Amendment of License, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection:

a. *Type of Proceeding:* Request for temporary variance of Article 402.

b. *Project No.:* 10855–033.

c. *Date Filed:* January 14, 2021.

d. *Licensee:* Upper Peninsula Power Company.

e. *Name of Project:* Dead River Hydroelectric Project.

f. *Location:* The project is located on the Dead River, in Marquette County, Michigan.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Licensee Contact:* Mr. Virgil Schlorke, Upper Peninsula Power Company, 800 Greenwood Street, Ishpeming, MI 49849, (906) 485–2480.

i. *FERC Contact:* Brian Bartos, (202) 502–6679, *Brian.Bartos@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests, is 30 days from the issuance date of this notice by the Commission.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include docket number P–10855–033. Comments emailed to Commission staff are not considered part of the Commission record.

The Commission's Rules of Practice and Procedure require all intervenors filing documents with the Commission to serve a copy of that document on each person whose name appears on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. *Description of Request:* The applicant proposes to modify the start-of-month target reservoir surface elevation requirements at the Silver Lake Storage Basin (SLSB) and Dead River Storage Basin (DRSB) for the year 2021. Specifically, the applicant proposes to increase the SLSB start-of-month target elevations in February and March from 1,477.5 to 1,479.0 feet National Geodetic Vertical Datum (NGVD); April from 1,477.5 to 1,485.0 feet NGVD; May from 1,479.0 to 1,485.0 feet NGVD; June from 1,481.0 to 1,485.0 feet NGVD; July from 1,481.5 to 1,485.0 feet NGVD; August from 1,480.0 to 1,482.5 feet NGVD; September and October from 1,479.5 to 1480.0 feet NGVD. The licensee would continue to maintain the target elevations for the remaining months as required by Article 402. The applicant proposes to increase the DRSB start-of-month target elevation for May from 1,340.0 to 1,341.0 feet NGVD. The applicant states that the temporary variance will allow the applicant to continue to determine if there are operational modifications that can be employed to improve water quality in the Dead River.

l. *Locations of the Application:* This filing may be viewed on the Commission's website at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. Agencies may obtain copies of the application directly from the applicant.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214, respectively. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person commenting, protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis. Any filing made by an intervenor must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 385.2010.

Dated: January 25, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01967 Filed 1–28–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Docket Numbers: RP21–397–000.

Applicants: Stagecoach Pipeline & Storage Company LLC.

Description: § 4(d) Rate Filing: Stagecoach Pipeline & Storage Company LLC—Filing of Tariff Modifications to be effective 2/22/2021.

Filed Date: 1/22/21.

Accession Number: 20210122–5043.

Comments Due: 5 p.m. ET 2/3/21.

Docket Numbers: RP21–398–000.

Applicants: Algonquin Gas Transmission, LLC.

Description: § 4(d) Rate Filing: Negotiated Rate—Yankee Gas 510802 Release eff 1–23–2021 to be effective 1/23/2021.

Filed Date: 1/22/21.

Accession Number: 20210122–5083.

Comments Due: 5 p.m. ET 2/3/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified date(s). Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 25, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–01973 Filed 1–28–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 4881–029]

Ada County, Fulcrum, LLC, Barber Pool Hydro, LLC; Notice of Application for Partial Transfer of License and Soliciting Comments, Motions To Intervene, and Protests

On October 28, 2020 and supplemented on January 19, 2021, Ada County, (transferor), Fulcrum, LLC (co-licensee) and Barber Pool Hydro, LLC (transferee) filed jointly an application for partial transfer of license for the Barber Dam Hydroelectric Project No. 4881. The project is located on the Boise, Columbia and Snake rivers, Ada County, Idaho.

The applicants seek Commission approval to partially transfer the license for the Barber Dam Hydroelectric Project from the transferor to the transferee and keeping Fulcrum, LLC and Barber Pool Hydro, LLC as co-licensees.

Applicants Contact: For transferor: Board of Ada County Commissioners, c/o Ada County Prosecuting Attorney, Ms. Lorna K. Jorgensen, Civil Division, 200 W Front Street, Room 3191, Boise, ID 83702, Phone: 208–287–7700, Email: *ljorgensen@adacounty.id.gov*.

For co-licensee: Fulcrum, LLC, c/o Mr. Randall Osteen, General Counsel, Portfolio Companies, Hull Street Energy, LLC, 4747 Bethesda Ave., Suite 1220, Bethesda, MD 20814, Phone: 410–303–4174, Email: *rosteen@hullstreetenergy.com.*

For transferee: Barber Pool Hydro, LLC, c/o Ted S. Sorenson, Manager, P.O. Box 1855, Idaho Falls, ID 83403, Phone: 208–589–6908, Email: *ted@tsorenson.net; miriah@tsorenson.net.*

FERC Contact: Anumzziatta Purchiaroni, (202) 502–6191, *Anumzziatta.purchiaroni@ferc.gov.*

Deadline for filing comments, motions to intervene, and protests: 30 days from the date that the Commission issues this notice. The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY).

In lieu of electronic filing, you may submit a paper copy. Submissions sent via U.S. Postal Service must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to, Kimberly D. Bose, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include docket number P–4881–029. Comments emailed to Commission staff are not considered part of the Commission record.

Dated: January 25, 2021.

Kimberly D. Bose,

Secretary.

[FR Doc. 2021–01968 Filed 1–28–21; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC21–38–000.

Applicants: Imperial Valley Solar 2, LLC.

Description: Imperial Valley Solar 2, LLC submits the Amendment to Application for Authorization Under Section 203 of the Federal Power Act and Request for Expedited Consideration.

Filed Date: 1/21/21.

Accession Number: 20210121–5195.

Comments Due: 5 p.m. ET 1/31/21.

Docket Numbers: EC21–46–000.

Applicants: Acorn I Energy Storage, LLC, PPA Grand Johanna LLC, Wildcat I Energy Storage, LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Acorn I Energy Storage, LLC, et. al.

Filed Date: 1/22/21.

Accession Number: 20210122–5224.

Comments Due: 5 p.m. ET 2/12/21.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG21–74–000.

Applicants: Silverstrand Grid, LLC.

Description: Notice of Self-Certification of EWG Status of Silverstrand Grid, LLC.

Filed Date: 1/22/21.

Accession Number: 20210122–5228.

Comments Due: 5 p.m. ET 2/12/21.

Docket Numbers: EG21–75–000.

Applicants: Ventura Energy Storage, LLC.

Description: Notice of Self-Certification as an Exempt Wholesale Generator Status of Ventura Energy Storage, LLC.

Filed Date: 1/21/21.

Accession Number: 20210121–5439.

Comments Due: 5 p.m. ET 2/11/21.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER11–4443–003; ER11–3670–002; ER16–1689–002.

Applicants: AK Electric Supply LLC, ArcelorMittal Cleveland LLC, ArcelorMittal USA LLC.

Description: Notice of Change in Status of AK Electric Supply LLC, et al.

Filed Date: 1/21/21.

Accession Number: 20210121–5417.

Comments Due: 5 p.m. ET 2/11/21.

Docket Numbers: ER19–2858–004.

Applicants: East Coast Power Linden Holding, L.L.C.

Description: Compliance filing: Compliance to 401 to be effective 10/1/2019.

Filed Date: 1/25/21.

Accession Number: 20210125–5172.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–936–000.

Applicants: Whitetail Solar 2, LLC.

Description: Baseline eTariff Filing: Reactive Power Compensation Filing to be effective 1/26/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5091.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–937–000.

Applicants: Midcontinent Independent System Operator, Inc., Ameren Illinois Company.

Description: § 205(d) Rate Filing: 2021–01–25_SA 2880 Att A-Proj Spec No. 6 WVPA-EnerStar-Marshall to be effective 3/27/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5104.

Comments Due: 5 p.m. ET 2/16/21.

Docket Numbers: ER21–938–000.

Applicants: Florida Power & Light Company.

Description: § 205(d) Rate Filing: FPL and Seminole Rate Schedule No. 327 Revisions to Exhibit A to be effective 1/1/2021.

Filed Date: 1/25/21.

Accession Number: 20210125–5113.
Comments Due: 5 p.m. ET 2/16/21.
Docket Numbers: ER21–939–000.
Applicants: Covanta Fairfax, LLC.
Description: Tariff Cancellation: Notice of Cancellation to be effective 5/31/2015.
Filed Date: 1/25/21.
Accession Number: 20210125–5191.
Comments Due: 5 p.m. ET 2/16/21.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 25, 2021.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2021–01972 Filed 1–28–21; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OECA–2020–0203; FRL–10019–79–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for Municipal Solid Waste Landfills (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), NSPS for Municipal Solid Waste Landfills (EPA ICR Number 2498.04, OMB Control Number 2060–0697), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through January 31, 2021. Public comments were previously requested, via the **Federal Register**, on May 12, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may neither conduct nor sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 1, 2021.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2020–0203 online using *www.regulations.gov* (our preferred method), or by email to *docket.oeca@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA. EPA's policy is that all comments received will be included in the public docket without change, including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Patrick Yellin, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 564–2970; fax number: (202) 564–0050; email address: *yellin.patrick@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov,* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit: *http://www.epa.gov/dockets.*

Abstract: The owners and operators of municipal solid waste landfills are required to comply with reporting and record keeping requirements for the General Provisions (40 CFR part 60, subpart A), as well as for the requirements of 40 CFR part 60 subpart XXX. This includes submitting initial notifications, performance tests and periodic reports and results, and maintaining records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or for any period during which the monitoring system is inoperative. These reports are used by EPA to determine compliance with these standards.

Form Numbers: None.

Respondents/affected entities: Municipal solid waste landfills.

Respondent's obligation to respond: Mandatory (40 CFR part 60 subpart XXX).

Estimated number of respondents: 190 (total).

Frequency of response: Initially, annually.

Total estimated burden: 176,000 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $12,500,000 (per year), which includes $858,000 in annualized capital/startup and/or operation & maintenance costs.

Changes in the estimates: There is an adjustment increase in the total estimated burden as currently identified in the OMB Inventory of Approved Burdens. This increase in burden is due to changes in several areas. Due to the gap years between the previous ICR and this ICR, the number of respondents has been adjusted to reflect the expected number of landfills controlling between years 2022 through 2024 based on projected emissions, and assuming that in these years landfills will be controlling under the more stringent 34 Mg/yr requirements. This ICR also reflects the average annual respondents and burden for the rule activities following implementation. These adjustments have resulted in an increase in the total number of respondents due to sources modifying and becoming subject to the regulations. This ICR also reflects the implementation of the rule and adjustments to the number of sources conducting one-time activities versus recurring activities. The previous ICR included many new sources with associated testing and capital/startup costs. These costs have decreased in this ICR due to these sources having complied with their initial compliance requirements during the period of the previous ICR. In this ICR renewal, the increase in the number of existing

sources has led to an increase in O&M costs. More existing sources are performing routine surface emission and wellhead monitoring, which is labor intensive. We have also adjusted the burden for sources to familiarize themselves with the rule, as most sources have been complying with rule requirements for the last few years. Although the rule has been amended since the previous ICR, these rule changes did not result in an increase in burden.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–01971 Filed 1–28–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9055–1]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed January 14, 2021 10 a.m. EST

Through January 25, 2021 10 a.m. EST

Pursuant to 40 CFR 1506.9.

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxnodengn.epa.gov/cdx-enepa-public/action/eis/search.*

EIS No. 20210011, Draft, TVA, AL, North Alabama Utility-Scale Solar Facility, Comment Period Ends: 03/15/2021, Contact: Elizabeth Smith 865–632–3053.

Amended Notice

EIS No. 20210007, Draft, USFS, DC, WITHDRAWN—36 CFR 228, Subpart A, Locatable Minerals, Contact: Michael Fracasso 303–241–3330.

Revision to FR Notice Published 01/22/2021; Officially Withdrawn per request of the submitting agency.

EIS No. 20210008, Final, BLM, CA, WITHDRAWN—Crimson Solar Project Final Environmental Impact Statement and Proposed Land Use Amendment to the California Desert Conservation Area Plan, Contact: Miriam Liberatore 541–618–2200.

Revision to FR Notice Published 01/22/2021; Officially Withdrawn per request of the submitting agency.

Dated: January 25, 2021.

Cindy S. Barger,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2021–01957 Filed 1–28–21; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OLEM–2018–0756; FRL–10019–77–OMS]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Requirements for Generators, Transporters, and Waste Management Facilities Under the RCRA Hazardous Waste Manifest System (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Requirements for Generators, Transporters, and Waste Management Facilities Under the RCRA Hazardous Waste Manifest System (EPA ICR Number 0801.25, OMB Control Number 2050–0039), to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act . This is a proposed extension of the ICR, which is currently approved through January 31, 2021. Public comments were previously requested via the **Federal Register** on May 19, 2020 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before March 1, 2021.

ADDRESSES: Submit your comments to EPA, referencing Docket ID No. EPA–HQ–OLEM–2018–0756 online using *www.regulations.gov* (our preferred method), by email to *rcradocket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI), or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Bryan Groce, Office of Resource Conservation and Recovery, Program Implementation and Information Division, (5303P), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (703) 308–8750; fax number: (703) 308–0514; email address: *groce.bryan@epa.gov.*

SUPPLEMENTARY INFORMATION: Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets.*

Abstract: This Information Collection Request covers recordkeeping and reporting activities for the hazardous waste manifest paper and electronic system under the Resource Conservation and Recovery Act (RCRA) and the Hazardous Waste Electronic Manifest Establishment Act (Pub. L. 112–195). EPA's authority to require use of a manifest system stems primarily from RCRA 3002(a)(5) (also RCRA Sections 3003(a)(3) and 3004). Regulations are found in 40 CFR part 262 (registrant organizations and generators), part 263 (transporters), and parts 264 and 265 (TSDFs). The manifest lists the wastes that are being shipped and the TSDF to which the wastes are bound. Generators, transporters, and TSDFs handling hazardous waste are required to complete the data requirements for manifests and other reports. The Hazardous Waste Electronic Manifest Establishment Act provided EPA authority to establish the national electronic hazardous waste manifest system to track hazardous waste shipments electronically. The Act also provided EPA authority to adopt regulations that (1) allow it to accept

electronic manifests originated in the e-Manifest system as the legal equivalent to paper manifests; (2) require manifest users to submit paper copies of the manifest to the system for data processing; (3) collect manifests in the e-Manifest system for hazardous waste subject to federal or state law; and (4) set up user fees to offset the costs of developing and operating the e-Manifest system.

Pursuant to the Act, EPA modified the manifest regulations on February 7, 2014 (the e-Manifest ''One Year Rule''), to authorize use of electronic manifests (or e-Manifests) for tracking offsite shipments of hazardous waste from a generator's site to the site of the receipt and disposition of the hazardous waste. On January 3, 2018, EPA finalized the e-Manifest User Fee Final Rule which established the fee methodology that EPA uses to determine the user fees applicable to the electronic and paper manifests submitted to the national system. EPA launched the e-Manifest system on June 30, 2018. TSDFs and other receiving facilities must submit manifests, both paper and electronic, to EPA. In addition to fees for RCRA wastes, EPA is charging TSDFs and other facilities receiving state-only regulated wastes a fee for each manifest submitted to the system. Regulations regarding copy submission requirements for interstate shipments and the applicability of e-Manifest system and fees to facilities receiving state-only regulated wastes are found in 40 CFR part 260 (Hazardous Waste Management System). Regulations regarding imposition of user fees on receiving facilities for their manifest submissions, with references to key fee methodology, fee dispute, and fee sanction requirements are found in parts 264 and 265.

Form Numbers: Form 8700–22 and 8700–22A.

Respondents/affected entities: Business or other for-profit.

Respondent's obligation to respond: Mandatory (RCRA 3002(a)(5)).

Estimated number of respondents: 106,136 (total).

Frequency of response: Each shipment.

Total estimated burden: 2,362,089 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $118,940,729 (per year), includes $29,043,234 annualized capital costs and operation & maintenance costs.

Changes in the Estimates: There is a decrease of 140,411 hours in the total estimated respondent burden compared with the ICR currently approved by OMB, resulting from EPA's updates to the annual number of manifests offered into transportation. Based on its recent analysis of e-Manifest data, EPA estimates a decrease in the annual number of paper and electronic manifests from the currently approved ICR. In addition, there is an increase of $3,273,919 in the total respondent costs compared with the currently approved ICR. This increase resulted primarily from an improved methodology and updated data for estimating the user fees paid by destination facilities.

Courtney Kerwin,

Director, Regulatory Support Division.

[FR Doc. 2021–01974 Filed 1–28–21; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[212A2100DD/AAKC001030/A0A501010.999900]

Indian Entities Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the current list of 574 Tribal entities recognized by and eligible for funding and services from the Bureau of Indian Affairs (BIA) by virtue of their status as Indian Tribes.

DATES: The list is updated from the notice published on January 30, 2020 (85 FR 5462).

FOR FURTHER INFORMATION CONTACT: Ms. Laurel Iron Cloud, Bureau of Indian Affairs, Division of Tribal Government Services, Mail Stop 3645–MIB, 1849 C Street NW, Washington, DC 20240. Telephone number: (202) 513–7641.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to Section 104 of the Act of November 2, 1994 (Pub. L. 103–454; 108 Stat. 4791, 4792), and in exercise of authority delegated to the Assistant Secretary—Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8. Published below is an updated list of federally acknowledged Indian Tribes in the contiguous 48 states and Alaska. Amendments to the list include formatting edits, name changes, and name corrections.

To aid in identifying Tribal name changes and corrections, the Tribe's previously listed or former name is included in parentheses after the correct current Tribal name. We will continue to list the Tribe's former or previously listed name for several years before dropping the former or previously listed name from the list.

The listed Indian entities are acknowledged to have the immunities and privileges available to federally recognized Indian Tribes by virtue of their government-to-government relationship with the United States as well as the responsibilities, powers, limitations, and obligations of such Tribes. We have continued the practice of listing the Alaska Native entities separately for the purpose of facilitating identification of them.

Tara Sweeney,

Assistant Secretary—Indian Affairs.

Indian Tribal Entities Within the Contiguous 48 States Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Absentee-Shawnee Tribe of Indians of Oklahoma
Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
Ak-Chin Indian Community [previously listed as Ak Chin Indian Community of the Maricopa (Ak Chin) Indian Reservation, Arizona]
Alabama-Coushatta Tribe of Texas [previously listed as Alabama-Coushatta Tribes of Texas]
Alabama-Quassarte Tribal Town
Alturas Indian Rancheria, California
Apache Tribe of Oklahoma
Arapaho Tribe of the Wind River Reservation, Wyoming
Aroostook Band of Micmacs [previously listed as Aroostook Band of Micmac Indians]
Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana
Augustine Band of Cahuilla Indians, California [previously listed as Augustine Band of Cahuilla Mission Indians of the Augustine Reservation]
Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
Bay Mills Indian Community, Michigan
Bear River Band of the Rohnerville Rancheria, California
Berry Creek Rancheria of Maidu Indians of California
Big Lagoon Rancheria, California
Big Pine Paiute Tribe of the Owens Valley [previously listed as Big Pine Band of Owens Valley Paiute Shoshone Indians of the Big Pine Reservation, California]
Big Sandy Rancheria of Western Mono Indians of California [previously listed as Big Sandy Rancheria of Mono Indians of California]
Big Valley Band of Pomo Indians of the Big Valley Rancheria, California
Bishop Paiute Tribe [previously listed as Paiute-Shoshone Indians of the Bishop Community of the Bishop Colony, California]
Blackfeet Tribe of the Blackfeet Indian Reservation of Montana

Blue Lake Rancheria, California
Bridgeport Indian Colony [previously listed as Bridgeport Paiute Indian Colony of California]
Buena Vista Rancheria of Me-Wuk Indians of California
Burns Paiute Tribe [previously listed as Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon]
Cabazon Band of Mission Indians, California
Cachil DeHe Band of Wintun Indians of the Colusa Indian Community of the Colusa Rancheria, California
Caddo Nation of Oklahoma
Cahto Tribe of the Laytonville Rancheria
Cahuilla Band of Indians [previously listed as Cahuilla Band of Mission Indians of the Cahuilla Reservation, California]
California Valley Miwok Tribe, California
Campo Band of Diegueno Mission Indians of the Campo Indian Reservation, California
Capitan Grande Band of Diegueno Mission Indians of California (Barona Group of Capitan Grande Band of Mission Indians of the Barona Reservation, California;
Viejas (Baron Long) Group of Capitan Grande Band of Mission Indians of the Viejas Reservation, California)
Catawba Indian Nation [previously listed as Catawba Tribe of South Carolina]
Cayuga Nation
Cedarville Rancheria, California
Chemehuevi Indian Tribe of the Chemehuevi Reservation, California
Cher-Ae Heights Indian Community of the Trinidad Rancheria, California
Cherokee Nation
Cheyenne and Arapaho Tribes, Oklahoma [previously listed as Cheyenne-Arapaho Tribes of Oklahoma]
Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota
Chickahominy Indian Tribe
Chickahominy Indian Tribe—Eastern Division
Chicken Ranch Rancheria of Me-Wuk Indians of California
Chippewa Cree Indians of the Rocky Boy's Reservation, Montana [previously listed as Chippewa-Cree Indians of the Rocky Boy's Reservation, Montana]
Chitimacha Tribe of Louisiana
Citizen Potawatomi Nation, Oklahoma
Cloverdale Rancheria of Pomo Indians of California
Cocopah Tribe of Arizona
Coeur D'Alene Tribe [previously listed as Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho]
Cold Springs Rancheria of Mono Indians of California
Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California
Comanche Nation, Oklahoma
Confederated Salish and Kootenai Tribes of the Flathead Reservation
Confederated Tribes and Bands of the Yakama Nation
Confederated Tribes of Siletz Indians of Oregon [previously listed as Confederated Tribes of the Siletz Reservation]
Confederated Tribes of the Chehalis Reservation
Confederated Tribes of the Colville Reservation
Confederated Tribes of the Coos, Lower Umpqua and Siuslaw Indians
Confederated Tribes of the Goshute Reservation, Nevada and Utah
Confederated Tribes of the Grand Ronde Community of Oregon
Confederated Tribes of the Umatilla Indian Reservation [previously listed as Confederated Tribes of the Umatilla Reservation, Oregon]
Confederated Tribes of the Warm Springs Reservation of Oregon
Coquille Indian Tribe [previously listed as Coquille Tribe of Oregon]
Coushatta Tribe of Louisiana
Cow Creek Band of Umpqua Tribe of Indians [previously listed as Cow Creek Band of Umpqua Indians of Oregon]
Cowlitz Indian Tribe
Coyote Valley Band of Pomo Indians of California
Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
Crow Tribe of Montana
Delaware Nation, Oklahoma
Delaware Tribe of Indians
Dry Creek Rancheria Band of Pomo Indians, California [previously listed as Dry Creek Rancheria of Pomo Indians of California]
Duckwater Shoshone Tribe of the Duckwater Reservation, Nevada
Eastern Band of Cherokee Indians
Eastern Shawnee Tribe of Oklahoma
Eastern Shoshone Tribe of the Wind River Reservation, Wyoming [previously listed as Shoshone Tribe of the Wind River Reservation, Wyoming]
Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California
Elk Valley Rancheria, California
Ely Shoshone Tribe of Nevada
Enterprise Rancheria of Maidu Indians of California
Ewiiaapaayp Band of Kumeyaay Indians, California
Federated Indians of Graton Rancheria, California
Flandreau Santee Sioux Tribe of South Dakota
Forest County Potawatomi Community, Wisconsin
Fort Belknap Indian Community of the Fort Belknap Reservation of Montana
Fort Bidwell Indian Community of the Fort Bidwell Reservation of California
Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California
Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon
Fort McDowell Yavapai Nation, Arizona
Fort Mojave Indian Tribe of Arizona, California & Nevada
Fort Sill Apache Tribe of Oklahoma
Gila River Indian Community of the Gila River Indian Reservation, Arizona
Grand Traverse Band of Ottawa and Chippewa Indians, Michigan
Greenville Rancheria [previously listed as Greenville Rancheria of Maidu Indians of California]
Grindstone Indian Rancheria of Wintun-Wailaki Indians of California
Guidiville Rancheria of California
Habematolel Pomo of Upper Lake, California
Hannahville Indian Community, Michigan
Havasupai Tribe of the Havasupai Reservation, Arizona
Ho-Chunk Nation of Wisconsin
Hoh Indian Tribe [previously listed as Hoh Indian Tribe of the Hoh Indian Reservation, Washington]
Hoopa Valley Tribe, California
Hopi Tribe of Arizona
Hopland Band of Pomo Indians, California [previously listed as Hopland Band of Pomo Indians of the Hopland Rancheria, California]
Houlton Band of Maliseet Indians
Hualapai Indian Tribe of the Hualapai Indian Reservation, Arizona
Iipay Nation of Santa Ysabel, California [previously listed as Santa Ysabel Band of Diegueno Mission Indians of the Santa Ysabel Reservation]
Inaja Band of Diegueno Mission Indians of the Inaja and Cosmit Reservation, California
Ione Band of Miwok Indians of California
Iowa Tribe of Kansas and Nebraska
Iowa Tribe of Oklahoma
Jackson Band of Miwuk Indians [previously listed as Jackson Rancheria of Me-Wuk Indians of California]
Jamestown S'Klallam Tribe
Jamul Indian Village of California
Jena Band of Choctaw Indians
Jicarilla Apache Nation, New Mexico
Kaibab Band of Paiute Indians of the Kaibab Indian Reservation, Arizona
Kalispel Indian Community of the Kalispel Reservation
Karuk Tribe [previously listed as Karuk Tribe of California]
Kashia Band of Pomo Indians of the Stewarts Point Rancheria, California
Kaw Nation, Oklahoma
Kewa Pueblo, New Mexico [previously listed as Pueblo of Santo Domingo]
Keweenaw Bay Indian Community, Michigan
Kialegee Tribal Town
Kickapoo Traditional Tribe of Texas
Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas
Kickapoo Tribe of Oklahoma
Kiowa Indian Tribe of Oklahoma
Klamath Tribes
Kletsel Dehe Band of Wintun Indians [previously listed as Cortina Indian Rancheria]
Koi Nation of Northern California [previously listed as Lower Lake Rancheria, California]
Kootenai Tribe of Idaho
La Jolla Band of Luiseno Indians, California [previously listed as La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation]
La Posta Band of Diegueno Mission Indians of the La Posta Indian Reservation, California
Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin
Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin
Lac Vieux Desert Band of Lake Superior Chippewa Indians of Michigan
Las Vegas Tribe of Paiute Indians of the Las Vegas Indian Colony, Nevada
Little River Band of Ottawa Indians, Michigan

Little Shell Tribe of Chippewa Indians of Montana
Little Traverse Bay Bands of Odawa Indians, Michigan
Lone Pine Paiute-Shoshone Tribe [previously listed as Paiute-Shoshone Indians of the Lone Pine Community of the Lone Pine Reservation, California]
Los Coyotes Band of Cahuilla and Cupeno Indians, California [previously listed as Los Coyotes Band of Cahuilla & Cupeno Indians of the Los Coyotes Reservation]
Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada
Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
Lower Elwha Tribal Community [previously listed as Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington]
Lower Sioux Indian Community in the State of Minnesota
Lummi Tribe of the Lummi Reservation
Lytton Rancheria of California
Makah Indian Tribe of the Makah Indian Reservation
Manchester Band of Pomo Indians of the Manchester Rancheria, California [previously listed as Manchester Band of Pomo Indians of the Manchester-Point Arena Rancheria, California]
Manzanita Band of Diegueno Mission Indians of the Manzanita Reservation, California
Mashantucket Pequot Indian Tribe [previously listed as Mashantucket Pequot Tribe of Connecticut]
Mashpee Wampanoag Tribe [previously listed as Mashpee Wampanoag Indian Tribal Council, Inc.]
Match-e-be-nash-she-wish Band of Pottawatomi Indians of Michigan
Mechoopda Indian Tribe of Chico Rancheria, California
Menominee Indian Tribe of Wisconsin
Mesa Grande Band of Diegueno Mission Indians of the Mesa Grande Reservation, California
Mescalero Apache Tribe of the Mescalero Reservation, New Mexico
Miami Tribe of Oklahoma
Miccosukee Tribe of Indians
Middletown Rancheria of Pomo Indians of California
Minnesota Chippewa Tribe, Minnesota (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band)
Mississippi Band of Choctaw Indians
Moapa Band of Paiute Indians of the Moapa River Indian Reservation, Nevada
Modoc Nation [previously listed as The Modoc Tribe of Oklahoma]
Mohegan Tribe of Indians of Connecticut [previously listed as Mohegan Indian Tribe of Connecticut]
Monacan Indian Nation
Mooretown Rancheria of Maidu Indians of California
Morongo Band of Mission Indians, California [previously listed as Morongo Band of Cahuilla Mission Indians of the Morongo Reservation]
Muckleshoot Indian Tribe [previously listed as Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington]
Nansemond Indian Nation [previously listed as Nansemond Indian Tribe]
Narragansett Indian Tribe
Navajo Nation, Arizona, New Mexico, & Utah
Nez Perce Tribe [previously listed as Nez Perce Tribe of Idaho]
Nisqually Indian Tribe [previously listed as Nisqually Indian Tribe of the Nisqually Reservation, Washington]
Nooksack Indian Tribe
Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana
Northfork Rancheria of Mono Indians of California
Northwestern Band of the Shoshone Nation [previously listed as Northwestern Band of Shoshoni Nation and the Northwestern Band of Shoshoni Nation of Utah (Washakie)]
Nottawaseppi Huron Band of the Potawatomi, Michigan [previously listed as Huron Potawatomi, Inc.]
Oglala Sioux Tribe [previously listed as Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota]
Ohkay Owingeh, New Mexico [previously listed as Pueblo of San Juan]
Omaha Tribe of Nebraska
Oneida Indian Nation [previously listed as Oneida Nation of New York]
Oneida Nation [previously listed as Oneida Tribe of Indians of Wisconsin]
Onondaga Nation
Otoe-Missouria Tribe of Indians, Oklahoma
Ottawa Tribe of Oklahoma
Paiute Indian Tribe of Utah (Cedar Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes [previously listed as Paiute Indian Tribe of Utah (Cedar City Band of Paiutes, Kanosh Band of Paiutes, Koosharem Band of Paiutes, Indian Peaks Band of Paiutes, and Shivwits Band of Paiutes)]
Paiute-Shoshone Tribe of the Fallon Reservation and Colony, Nevada
Pala Band of Mission Indians [previously listed as Pala Band of Luiseno Mission Indians of the Pala Reservation, California]
Pamunkey Indian Tribe
Pascua Yaqui Tribe of Arizona
Paskenta Band of Nomlaki Indians of California
Passamaquoddy Tribe
Pauma Band of Luiseno Mission Indians of the Pauma & Yuima Reservation, California
Pawnee Nation of Oklahoma
Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California
Penobscot Nation [previously listed as Penobscot Tribe of Maine]
Peoria Tribe of Indians of Oklahoma
Picayune Rancheria of Chukchansi Indians of California
Pinoleville Pomo Nation, California [previously listed as Pinoleville Rancheria of Pomo Indians of California]
Pit River Tribe, California (includes XL Ranch, Big Bend, Likely, Lookout, Montgomery Creek, and Roaring Creek Rancherias)
Poarch Band of Creeks [previously listed as Poarch Band of Creek Indians of Alabama]
Pokagon Band of Potawatomi Indians, Michigan and Indiana
Ponca Tribe of Indians of Oklahoma
Ponca Tribe of Nebraska
Port Gamble S'Klallam Tribe [previously listed as Port Gamble Band of S'Klallam Indians]
Potter Valley Tribe, California
Prairie Band Potawatomi Nation [previously listed as Prairie Band of Potawatomi Nation, Kansas]
Prairie Island Indian Community in the State of Minnesota
Pueblo of Acoma, New Mexico
Pueblo of Cochiti, New Mexico
Pueblo of Isleta, New Mexico
Pueblo of Jemez, New Mexico
Pueblo of Laguna, New Mexico
Pueblo of Nambe, New Mexico
Pueblo of Picuris, New Mexico
Pueblo of Pojoaque, New Mexico
Pueblo of San Felipe, New Mexico
Pueblo of San Ildefonso, New Mexico
Pueblo of Sandia, New Mexico
Pueblo of Santa Ana, New Mexico
Pueblo of Santa Clara, New Mexico
Pueblo of Taos, New Mexico
Pueblo of Tesuque, New Mexico
Pueblo of Zia, New Mexico
Puyallup Tribe of the Puyallup Reservation
Pyramid Lake Paiute Tribe of the Pyramid Lake Reservation, Nevada
Quapaw Nation [previously listed as The Quapaw Tribe of Indians]
Quartz Valley Indian Community of the Quartz Valley Reservation of California
Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
Quileute Tribe of the Quileute Reservation
Quinault Indian Nation [previously listed as Quinault Tribe of the Quinault Reservation, Washington]
Ramona Band of Cahuilla, California [previously listed as Ramona Band or Village of Cahuilla Mission Indians of California]
Rappahannock Tribe, Inc.
Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin
Red Lake Band of Chippewa Indians, Minnesota
Redding Rancheria, California
Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California [previously listed as Redwood Valley Rancheria of Pomo Indians of California]
Reno-Sparks Indian Colony, Nevada
Resighini Rancheria, California
Rincon Band of Luiseno Mission Indians of Rincon Reservation, California
Robinson Rancheria [previously listed as Robinson Rancheria Band of Pomo Indians, California]
Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota
Round Valley Indian Tribes, Round Valley Reservation, California [previously listed as Round Valley Indian Tribes of the Round Valley Reservation, California]
Sac & Fox Nation of Missouri in Kansas and Nebraska
Sac & Fox Nation, Oklahoma
Sac & Fox Tribe of the Mississippi in Iowa
Saginaw Chippewa Indian Tribe of Michigan
Saint Regis Mohawk Tribe [previously listed as St. Regis Band of Mohawk Indians of New York]
Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona

Samish Indian Nation [previously listed as Samish Indian Tribe, Washington]
San Carlos Apache Tribe of the San Carlos Reservation, Arizona
San Juan Southern Paiute Tribe of Arizona
San Manuel Band of Mission Indians, California [previously listed as San Manual Band of Serrano Mission Indians of the San Manual Reservation]
San Pasqual Band of Diegueno Mission Indians of California
Santa Rosa Band of Cahuilla Indians, California [previously listed as Santa Rosa Band of Cahuilla Mission Indians of the Santa Rosa Reservation]
Santa Rosa Indian Community of the Santa Rosa Rancheria, California
Santa Ynez Band of Chumash Mission Indians of the Santa Ynez Reservation, California
Santee Sioux Nation, Nebraska
Sauk-Suiattle Indian Tribe
Sault Ste. Marie Tribe of Chippewa Indians, Michigan
Scotts Valley Band of Pomo Indians of California
Seminole Tribe of Florida [previously listed as Seminole Tribe of Florida (Dania, Big Cypress, Brighton, Hollywood, & Tampa Reservations)]
Seneca Nation of Indians [previously listed as Seneca Nation of New York]
Seneca–Cayuga Nation [previously listed as Seneca-Cayuga Tribe of Oklahoma]
Shakopee Mdewakanton Sioux Community of Minnesota
Shawnee Tribe
Sherwood Valley Rancheria of Pomo Indians of California
Shingle Springs Band of Miwok Indians, Shingle Springs Rancheria (Verona Tract), California
Shinnecock Indian Nation
Shoalwater Bay Indian Tribe of the Shoalwater Bay Indian Reservation [previously listed as Shoalwater Bay Tribe of the Shoalwater Bay Indian Reservation, Washington]
Shoshone-Bannock Tribes of the Fort Hall Reservation
Shoshone-Paiute Tribes of the Duck Valley Reservation, Nevada
Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota
Skokomish Indian Tribe [previously listed as Skokomish Indian Tribe of the Skokomish Reservation, Washington]
Skull Valley Band of Goshute Indians of Utah
Snoqualmie Indian Tribe [previously listed as Snoqualmie Tribe, Washington]
Soboba Band of Luiseno Indians, California
Sokaogon Chippewa Community, Wisconsin
Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado
Spirit Lake Tribe, North Dakota
Spokane Tribe of the Spokane Reservation
Squaxin Island Tribe of the Squaxin Island Reservation
St. Croix Chippewa Indians of Wisconsin
Standing Rock Sioux Tribe of North & South Dakota
Stillaguamish Tribe of Indians of Washington [previously listed as Stillaguamish Tribe of Washington]
Stockbridge Munsee Community, Wisconsin
Summit Lake Paiute Tribe of Nevada
Suquamish Indian Tribe of the Port Madison Reservation
Susanville Indian Rancheria, California
Swinomish Indian Tribal Community [previously listed as Swinomish Indians of the Swinomish Reservation of Washington]
Sycuan Band of the Kumeyaay Nation
Table Mountain Rancheria [previously listed as Table Mountain Rancheria of California]
Tejon Indian Tribe
Te-Moak Tribe of Western Shoshone Indians of Nevada (Four constituent bands: Battle Mountain Band; Elko Band; South Fork Band; and Wells Band)
The Chickasaw Nation
The Choctaw Nation of Oklahoma
The Muscogee (Creek) Nation
The Osage Nation [previously listed as Osage Tribe]
The Seminole Nation of Oklahoma
Thlopthlocco Tribal Town
Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
Timbisha Shoshone Tribe [previously listed as Death Valley Timbi-sha Shoshone]
Tohono O'odham Nation of Arizona
Tolowa Dee-ni' Nation [previously listed as Smith River Rancheria, California]
Tonawanda Band of Seneca [previously listed as Tonawanda Band of Seneca Indians of New York]
Tonkawa Tribe of Indians of Oklahoma
Tonto Apache Tribe of Arizona
Torres Martinez Desert Cahuilla Indians, California [previously listed as Torres-Martinez Band of Cahuilla Mission Indians of California]
Tulalip Tribes of Washington [previously listed as Tulalip Tribes of the Tulalip Reservation, Washington]
Tule River Indian Tribe of the Tule River Reservation, California
Tunica-Biloxi Indian Tribe
Tuolumne Band of Me-Wuk Indians of the Tuolumne Rancheria of California
Turtle Mountain Band of Chippewa Indians of North Dakota
Tuscarora Nation
Twenty-Nine Palms Band of Mission Indians of California
United Auburn Indian Community of the Auburn Rancheria of California
United Keetoowah Band of Cherokee Indians in Oklahoma
Upper Mattaponi Tribe
Upper Sioux Community, Minnesota
Upper Skagit Indian Tribe
Ute Indian Tribe of the Uintah & Ouray Reservation, Utah
Ute Mountain Ute Tribe [previously listed as Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico, & Utah]
Utu Utu Gwaitu Paiute Tribe of the Benton Paiute Reservation, California
Walker River Paiute Tribe of the Walker River Reservation, Nevada
Wampanoag Tribe of Gay Head (Aquinnah)
Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodfords Community, Stewart Community, & Washoe Ranches)
White Mountain Apache Tribe of the Fort Apache Reservation, Arizona
Wichita and Affiliated Tribes (Wichita, Keechi, Waco, & Tawakonie), Oklahoma
Wilton Rancheria, California
Winnebago Tribe of Nebraska
Winnemucca Indian Colony of Nevada
Wiyot Tribe, California [previously listed as Table Bluff Reservation—Wiyot Tribe]
Wyandotte Nation
Yankton Sioux Tribe of South Dakota
Yavapai-Apache Nation of the Camp Verde Indian Reservation, Arizona
Yavapai-Prescott Indian Tribe [previously listed as Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona]
Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada
Yocha Dehe Wintun Nation, California [previously listed as Rumsey Indian Rancheria of Wintun Indians of California]
Yomba Shoshone Tribe of the Yomba Reservation, Nevada
Ysleta del Sur Pueblo [previously listed as Ysleta Del Sur Pueblo of Texas]
Yurok Tribe of the Yurok Reservation, California
Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized by and Eligible To Receive Services From the United States Bureau of Indian Affairs

Agdaagux Tribe of King Cove
Akiachak Native Community
Akiak Native Community
Alatna Village
Algaaciq Native Village (St. Mary's)
Allakaket Village
Alutiiq Tribe of Old Harbor [previously listed as Native Village of Old Harbor and Village of Old Harbor]
Angoon Community Association
Anvik Village
Arctic Village (See Native Village of Venetie Tribal Government)
Asa'carsarmiut Tribe
Beaver Village
Birch Creek Tribe
Central Council of the Tlingit & Haida Indian Tribes
Chalkyitsik Village
Cheesh-Na Tribe [previously listed as Native Village of Chistochina]
Chevak Native Village
Chickaloon Native Village
Chignik Bay Tribal Council [previously listed as Native Village of Chignik]
Chignik Lake Village
Chilkat Indian Village (Klukwan)
Chilkoot Indian Association (Haines)
Chinik Eskimo Community (Golovin)
Chuloonawick Native Village
Circle Native Community
Craig Tribal Association [previously listed as Craig Community Association]
Curyung Tribal Council
Douglas Indian Association
Egegik Village
Eklutna Native Village
Emmonak Village
Evansville Village (aka Bettles Field)
Galena Village (aka Louden Village)
Gulkana Village Council [previously listed as Gulkana Village]
Healy Lake Village
Holy Cross Tribe [previously listed as Holy Cross Village]
Hoonah Indian Association

Hughes Village
Huslia Village
Hydaburg Cooperative Association
Igiugig Village
Inupiat Community of the Arctic Slope
Iqugmiut Traditional Council [previously listed as Iqurmuit Traditional Council]
Ivanof Bay Tribe [previously listed as Ivanoff Bay Tribe and Ivanoff Bay Village]
Kaguyak Village
Kaktovik Village (aka Barter Island)
Kasigluk Traditional Elders Council
Kenaitze Indian Tribe
Ketchikan Indian Community [previously listed as Ketchikan Indian Corporation]
King Island Native Community
King Salmon Tribe
Klawock Cooperative Association
Knik Tribe
Kokhanok Village
Koyukuk Native Village
Levelock Village
Lime Village
Manley Hot Springs Village
Manokotak Village
McGrath Native Village
Mentasta Traditional Council
Metlakatla Indian Community, Annette Island Reserve
Naknek Native Village
Native Village of Afognak
Native Village of Akhiok
Native Village of Akutan
Native Village of Aleknagik
Native Village of Ambler
Native Village of Atka
Native Village of Atqasuk [previously listed as Atqasuk Village (Atkasook)]
Native Village of Barrow Inupiat Traditional Government
Native Village of Belkofski
Native Village of Brevig Mission
Native Village of Buckland
Native Village of Cantwell
Native Village of Chenega (aka Chanega)
Native Village of Chignik Lagoon
Native Village of Chitina
Native Village of Chuathbaluk (Russian Mission, Kuskokwim)
Native Village of Council
Native Village of Deering
Native Village of Diomede (aka Inalik)
Native Village of Eagle
Native Village of Eek
Native Village of Ekuk
Native Village of Ekwok [previously listed as Ekwok Village]
Native Village of Elim
Native Village of Eyak (Cordova)
Native Village of False Pass
Native Village of Fort Yukon
Native Village of Gakona
Native Village of Gambell
Native Village of Georgetown
Native Village of Goodnews Bay
Native Village of Hamilton
Native Village of Hooper Bay
Native Village of Kanatak
Native Village of Karluk
Native Village of Kiana
Native Village of Kipnuk
Native Village of Kivalina
Native Village of Kluti Kaah (aka Copper Center)
Native Village of Kobuk
Native Village of Kongiganak
Native Village of Kotzebue
Native Village of Koyuk
Native Village of Kwigillingok
Native Village of Kwinhagak (aka Quinhagak)
Native Village of Larsen Bay
Native Village of Marshall (aka Fortuna Ledge)
Native Village of Mary's Igloo
Native Village of Mekoryuk
Native Village of Minto
Native Village of Nanwalek (aka English Bay)
Native Village of Napaimute
Native Village of Napakiak
Native Village of Napaskiak
Native Village of Nelson Lagoon
Native Village of Nightmute
Native Village of Nikolski
Native Village of Noatak
Native Village of Nuiqsut (aka Nooiksut)
Native Village of Nunam Iqua [previously listed as Native Village of Sheldon's Point]
Native Village of Nunapitchuk
Native Village of Ouzinkie
Native Village of Paimiut
Native Village of Perryville
Native Village of Pilot Point
Native Village of Point Hope
Native Village of Point Lay
Native Village of Port Graham
Native Village of Port Heiden
Native Village of Port Lions
Native Village of Ruby
Native Village of Saint Michael
Native Village of Savoonga
Native Village of Scammon Bay
Native Village of Selawik
Native Village of Shaktoolik
Native Village of Shishmaref
Native Village of Shungnak
Native Village of Stevens
Native Village of Tanacross
Native Village of Tanana
Native Village of Tatitlek
Native Village of Tazlina
Native Village of Teller
Native Village of Tetlin
Native Village of Tuntutuliak
Native Village of Tununak
Native Village of Tyonek
Native Village of Unalakleet
Native Village of Unga
Native Village of Venetie Tribal Government (Arctic Village and Village of Venetie)
Native Village of Wales
Native Village of White Mountain
Nenana Native Association
New Koliganek Village Council
New Stuyahok Village
Newhalen Village
Newtok Village
Nikolai Village
Ninilchik Village
Nome Eskimo Community
Nondalton Village
Noorvik Native Community
Northway Village
Nulato Village
Nunakauyarmiut Tribe
Organized Village of Grayling (aka Holikachuk)
Organized Village of Kake
Organized Village of Kasaan
Organized Village of Kwethluk
Organized Village of Saxman
Orutsararmiut Traditional Native Council [previously listed as Orutsararmuit Native Village (aka Bethel)]
Oscarville Traditional Village
Pauloff Harbor Village
Pedro Bay Village
Petersburg Indian Association
Pilot Station Traditional Village
Pitka's Point Traditional Council [previously listed as Native Village of Pitka's Point]
Platinum Traditional Village
Portage Creek Village (aka Ohgsenakale)
Pribilof Islands Aleut Communities of St. Paul & St. George Islands (Saint George Island and Saint Paul Island)
Qagan Tayagungin Tribe of Sand Point [previously listed as Qagan Tayagungin Tribe of Sand Point Village]
Qawalangin Tribe of Unalaska
Rampart Village
Saint George Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Saint Paul Island (See Pribilof Islands Aleut Communities of St. Paul & St. George Islands)
Salamatof Tribe [previously listed as Village of Salamatoff]
Seldovia Village Tribe
Shageluk Native Village
Sitka Tribe of Alaska
Skagway Village
South Naknek Village
Stebbins Community Association
Sun'aq Tribe of Kodiak [previously listed as Shoonaq' Tribe of Kodiak]
Takotna Village
Tangirnaq Native Village [previously listed as Lesnoi Village (aka Woody Island)]
Telida Village
Traditional Village of Togiak
Tuluksak Native Community
Twin Hills Village
Ugashik Village
Umkumiut Native Village [previously listed as Umkumiute Native Village]
Village of Alakanuk
Village of Anaktuvuk Pass
Village of Aniak
Village of Atmautluak
Village of Bill Moore's Slough
Village of Chefornak
Village of Clarks Point
Village of Crooked Creek
Village of Dot Lake
Village of Iliamna
Village of Kalskag
Village of Kaltag
Village of Kotlik
Village of Lower Kalskag
Village of Ohogamiut
Village of Red Devil
Village of Sleetmute
Village of Solomon
Village of Stony River
Village of Venetie (See Native Village of Venetie Tribal Government)
Village of Wainwright
Wrangell Cooperative Association
Yakutat Tlingit Tribe
Yupiit of Andreafski

[FR Doc. 2021–01606 Filed 1–28–21; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–657 and 731–TA–1537 (Final)]

Chassis From China; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations; Correction

AGENCY: United States International Trade Commission.

ACTION: Correction of notice.

Correction is made to the March 24, 2021 deadline for filing posthearing briefs statements, the April 8, 2021 date of record closing, and the April 12, 2021 deadline for filing final comments, in the *Written Submissions* section of the notice which was published on January 14, 2021 (86 FR 3193). The correct deadline dates are as follows: Filing posthearing briefs and statements is March 23, 2021; the record closing is April 7, 2021; and deadline for final comments is April 9, 2021.

By order of the Commission.

Issued: January 14, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01318 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1213]

Certain Light-Emitting Diode Products, Fixtures, and Components Thereof; Notice of Commission Decision Not to Review an Initial Determination Granting Complainant's Motion To Amend the Complaint and Notice of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (''ID'') (Order No. 13) of the presiding administrative law judge (''ALJ'') granting complainant's motion to amend the complaint and notice of investigation (''NOI'') in the above-captioned investigation to add dependent claim 11 of U.S. Patent No. 8,403,531 (''the '531 patent'') and withdraw claims 17, 21, and 24 of the same patent.

FOR FURTHER INFORMATION CONTACT: Clint Gerdine, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone 202–205–1810.

SUPPLEMENTARY INFORMATION: On August 17, 2020, the Commission instituted this investigation based on a complaint filed by Ideal Industries Lighting LLC d/b/a Cree Lighting (''Cree'') of Durham, North Carolina. 85 FR 50047–48 (Aug. 17, 2020). The complaint alleges violations of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), based on the importation into the United States, the sale for importation, or the sale within the United States after importation of certain light-emitting diode products, fixtures, and components thereof by reason of infringement of certain claims of the '531 patent and U.S. Patent Nos. 8,596,819; 8,777,449; 9,261,270; and 9,476,570. *Id.* The complaint further alleges that a domestic industry exists. *Id.* The notice of investigation named RAB Lighting Inc. of Northvale, New Jersey (''RAB'') as the sole respondent. *Id.* The Office of Unfair Import Investigations is not participating in the investigation. *Id.*

On December 23, 2020, Cree filed a motion for leave to amend the complaint and notice of investigation (''NOI'') to add dependent claim 11 of the '531 patent, and withdraw claims 17, 21, and 24 of the same patent. RAB opposed the motion.

The ALJ issued the subject ID (Order No. 13) on January 8, 2021, granting Cree's motion for leave to amend the complaint and NOI. The ID finds that the prejudice to RAB is minimal and that the public interest weighs in favor of granting the motion to amend under Commission Rule 210.14(b)(1) because it is in the public interest to adjudicate all relevant claims as efficiently as possible, *i.e.,* in a single investigation. No petitions for review of the subject ID were filed.

The Commission has determined not to review the ID.

The Commission vote for this determination took place on January 26, 2021.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in Part 210 of the Commission's Rules of Practice and Procedure, 19 CFR part 210.

By order of the Commission.

Issued: January 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01982 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 332–585]

Foreign Censorship: Trade and Economic Effects on U.S. Businesses

AGENCY: United States International Trade Commission.

ACTION: Notice of Investigation and Scheduling of a public hearing.

SUMMARY: Following receipt on January 4, 2021, of a request from the U.S. Senate Committee on Finance (Committee), the U.S. International Trade Commission (Commission) instituted Investigation No. 332–585, *Foreign Censorship: Trade and Economic Effects on U.S. Businesses.*

DATES:

August 24, 2021: Deadline for filing requests to appear at the public hearing.

September 2, 2021: Deadline for filing prehearing briefs and statements.

September 7, 2021: Deadline for filing electronic copies of oral hearing statements.

September 14, 2021: Public hearing.

September 21, 2021: Deadline for filing posthearing briefs and statements.

October 1, 2021: Deadline for filing all other written submissions.

July 5, 2022: Transmittal of Commission report to the Committee.

ADDRESSES: All Commission offices, including the Commission's hearing rooms, are located in the U.S. International Trade Commission Building, 500 E Street SW, Washington, DC. All written submissions should be submitted electronically and addressed to the Secretary, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

FOR FURTHER INFORMATION CONTACT: Project Leader Ricky Ubee (202–205–3493 or *ravinder.ubee@usitc.gov*), Deputy Project Leader Shova KC (202–205–2234 or *shova.KC@usitc.gov*), or

Deputy Project Leader Isaac Wohl (202–205–3356 or *isaac.wohl@usitc.gov*) for information specific to this investigation. For information on the legal aspects of this investigation, contact William Gearhart of the Commission's Office of the General Counsel (202–205–3091 or *william.gearhart@usitc.gov*). The media should contact Margaret O'Laughlin, Office of External Relations (202–205–1819 or *margaret.olaughlin@usitc.gov*). Hearing-impaired individuals may obtain information on this matter by contacting the Commission's TDD terminal at 202–205–1810. General information concerning the Commission may also be obtained by accessing its website (*https://www.usitc.gov*). Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000.

Background: The Committee requested the investigation and report pursuant to section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)). As requested by the Committee, the Commission will deliver the requested report no later than 18 months from the date of the letter (that is, by July 5, 2022), and in view of the fact the Committee intends to make the report available to the public in its entirety, the Commission will not include any confidential business information in its report.

In its letter the Committee defined censorship as ''the prohibition or suppression of speech or other forms of communication,'' and stated that foreign governments use many tools to carry out censorship, including technological measures that restrict digital trade. The Committee said that these tools, and the policies that enable them, allow authorities in foreign markets to limit speech by controlling the flow of information and services.

More specifically, the Committee asked that the Commission conduct an investigation and prepare a report, informed by a survey of businesses in the United States, that provides detailed information, including the following:

1. Identification and descriptions of various foreign censorship practices, in particular any examples that U.S. businesses consider to impede trade or investment in key foreign markets. The description should include to the extent practicable:

a. The evolution of censorship policies and practices over the past 5 years in key foreign markets;

b. any elements that entail extraterritorial censorship; and

c. the roles of governmental and non-governmental actors in implementation and enforcement of the practices.

2. To the extent practicable, including through the use of survey data, an analysis of the trade and economic effects of such policies and practices on affected businesses in the United States and their global operations. The analysis should include to the extent practicable, quantitative and qualitative impacts of the identified policies, including by reference, where identifiable, to:

a. Impact on employment;

b. direct costs (*e.g.,* compliance and entry costs);

c. foregone revenue and sales;

d. self-censorship; and

e. other effects the Commission considers relevant for the Committee to know.

Public Hearing: A public hearing in connection with this investigation will be held either in the Commission's main hearing room in its building at 500 E Street SW, Washington, DC, or via an online videoconferencing platform, beginning at 9:30 a.m. on September 14, 2021. More information will follow closer to the time of the hearing about whether the hearing will be held in person or by videoconference. Information about how to participate in or view the hearing will be posted on the Commission's website at (*https://usitc.gov/research_and_analysis/what_we_are_working_on.htm*). Once on that web page, scroll down to the entry for Investigation No. 332–585, *Foreign Censorship: Trade and Economic Effects on U.S. Businesses,* and click on the link to ''Hearing Instructions.'' Interested parties should check the Commission's website periodically for updates.

Requests to appear at the public hearing should be filed with the Secretary no later than 5:15 p.m., August 24, 2021, in accordance with the requirements in the ''Written Submissions'' section below. All prehearing briefs and statements should be filed not later than 5:15 p.m., September 2, 2021. To facilitate the hearing, including the preparation of an accurate written transcript of the hearing, oral testimony to be presented at the hearing must be submitted to the Commission electronically no later than noon, September 7, 2021. All posthearing briefs and statements should be filed not later than 5:15 p.m., September 21, 2021. Posthearing briefs and statements should address matters raised at the hearing. For a description of the different types of written briefs and statements, see the ''Definitions'' section below.

In the event that, as of the close of business on August 24, 2021, no witnesses are scheduled to appear at the hearing, the hearing will be canceled. Any person interested in attending the hearing as an observer or nonparticipant should contact the Office of the Secretary at 202–205–2000 after August 24, 2021, for information concerning whether the hearing will be held.

Written Submissions: In lieu of or in addition to participating in the hearing, interested parties are invited to file written submissions concerning this investigation. All written submissions should be addressed to the Secretary, and should be received not later than 5:15 p.m., October 1, 2021. All written submissions must conform to the provisions of section 201.8 of the Commission's *Rules of Practice and Procedure* (19 CFR 201.8), as temporarily amended by 85 FR 15798 (March 19, 2020). Under that rule waiver, the Office of the Secretary will accept only electronic filings at this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding electronic filing should contact the Office of the Secretary, Docket Services Division (202–205–1802), or consult the Commission's Handbook on Filing Procedures.

Definitions of Types of Documents That May Be Filed; Requirements: In addition to requests to appear at the hearing, this notice provides for the possible filing of four types of documents: Prehearing briefs, oral hearing statements, posthearing briefs, and other written submissions.

(1) *Prehearing briefs* refers to written materials relevant to the investigation and submitted in advance of the hearing, and includes written views on matters that are the subject of the investigation, supporting materials, and any other written materials that you consider will help the Commission in understanding your views. You should file a prehearing brief particularly if you plan to testify at the hearing on behalf of an industry group, company, or other organization, and wish to provide detailed views or information that will support or supplement your testimony.

(2) *Oral hearing statements (testimony)* refers to the actual oral statement that you intend to present at the public hearing. *Do not* include any confidential business information in that statement. If you plan to testify, you must file a copy of your oral statement by the date specified in this notice. This statement will allow Commissioners to understand your position in advance of

the hearing and will also assist the court reporter in preparing an accurate transcript of the hearing (*e.g.,* names spelled correctly).

(3) *Posthearing briefs* refers to submissions filed after the hearing by persons who appeared at the hearing. Such briefs: (a) Should be limited to matters that arose during the hearing, (b) should respond to any Commissioner and staff questions addressed to you at the hearing, (c) should clarify, amplify, or correct any statements you made at the hearing, and (d) may, at your option, address or rebut statements made by other participants in the hearing.

(4) *Other written submissions* refer to any other written submissions that interested persons wish to make, regardless of whether they appeared at the hearing, and may include new information or updates of information previously provided.

There is no standard format that briefs or other written submissions must follow. However, each such document must identify on its cover (1) the type of document filed (*i.e.,* prehearing brief, oral statement of (name), posthearing brief, or written submission), (2) the name of the person or organization filing it, and (3) whether it contains confidential business information (CBI). If it contains CBI, it must comply with the marking and other requirements set out below in this notice relating to CBI. Submitters of written documents (other than oral hearing statements) are encouraged to include a short summary of their position or interest at the beginning of the document, and a table of contents when the document addresses multiple issues.

Confidential Business Information: Any submissions that contain confidential business information must also conform to the requirements of section 201.6 of the Commission's Rules of Practice and Procedure (19 CFR 201.6). Section 201.6 of the rules requires that the cover of the document and the individual pages be clearly marked as to whether they are the ''confidential'' or ''non-confidential'' version, and that the confidential business information is clearly identified by means of brackets. All written submissions, except for confidential business information, will be made available for inspection by interested parties.

As requested by the Committee on Finance, the Commission will not include any confidential business information in its report. However, all information, including confidential business information, submitted in this investigation may be disclosed to and used: (i) By the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. Appendix 3; or (ii) by U.S. government employees and contract personnel for cybersecurity purposes. The Commission will not otherwise disclose any confidential business information in a way that would reveal the operations of the firm supplying the information.

Summaries of Written Submissions: Persons wishing to have a summary of their position included in the report should include a summary with their written submission on or before October 1, 2021 and should mark the summary as having been provided for that purpose. The summary should be clearly marked as ''summary for inclusion in the report'' at the top of the page. The summary may not exceed 500 words, should be in MS Word format or a format that can be easily converted to MS Word, and should not include any confidential business information. The summary will be published as provided if it meets these requirements and is germane to the subject matter of the investigation. The Commission will list the name of the organization furnishing the summary and will include a link to the Commission's Electronic Document Information System (EDIS) where the written submission can be found.

By order of the Commission.

Issued: January 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01965 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–647 and 731–TA–1517–1520 (Final)]

Passenger Vehicle and Light Truck Tires From Korea, Taiwan, Thailand, and Vietnam; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–647 and 731–TA–1517–1520 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of passenger vehicle and light truck tires from Korea, Taiwan, Thailand, and Vietnam, provided for in subheadings 4011.10.10, 4011.10.50, 4011.20.10, and 4011.20.50 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold at less-than-fair-value and subsidized by the government of Vietnam.

DATES: January 6, 2021.

FOR FURTHER INFORMATION CONTACT: Keysha Martinez ((202) 205–2136), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''passenger vehicle and light truck tires. Passenger vehicle and light truck tires are new pneumatic tires, of rubber, with a passenger vehicle or light truck size designation. Tires covered by this investigation may be tube-type, tubeless, radial, or non-radial, and they may be intended for sale to original equipment manufacturers or the replacement market.

Subject tires have, at the time of importation, the symbol ''DOT'' on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have the following prefixes or suffix in their tire size designation, which also appears on the sidewall of the tire:

Prefix designations:

P—Identifies a tire intended primarily for service on passenger cars.

LT—Identifies a tire intended primarily for service on light trucks.

Suffix letter designations:

LT—Identifies light truck tires for service on trucks, buses, trailers, and multipurpose

passenger vehicles used in nominal highway service.

All tires with a ''P'' or ''LT'' prefix, and all tires with an ''LT'' suffix in their sidewall markings are covered by these investigations regardless of their intended use.

In addition, all tires that lack a ''P'' or ''LT'' prefix or suffix in their sidewall markings, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that fits passenger cars or light trucks. Sizes that fit passenger cars and light trucks include, but are not limited to, the numerical size designations listed in the passenger car section or light truck section of the Tire and Rim Association Year Book, as updated annually. The scope includes all tires that are of a size that fits passenger cars or light trucks, unless the tire falls within one of the specific exclusions set out below.

Passenger vehicle and light truck tires, whether or not attached to wheels or rims, are included in the scope. However, if a subject tire is imported attached to a wheel or rim, only the tire is covered by the scope.

Specifically excluded from the scope are the following types of tires:

(1) Racing car tires; such tires do not bear the symbol ''DOT'' on the sidewall and may be marked with ''ZR'' in size designation;

(2) pneumatic tires, of rubber, that are not new, including recycled and retreaded tires;

(3) non-pneumatic tires, such as solid rubber tires;

(4) tires designed and marketed exclusively as temporary use spare tires for passenger vehicles which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in Table PCT–1R (''T'' Type Spare Tires for Temporary Use on Passenger Vehicles) or PCT–1B (''T'' Type Diagonal (Bias) Spare Tires for Temporary Use on Passenger Vehicles) of the Tire and Rim Association Year Book,

(b) the designation ''T'' is molded into the tire's sidewall as part of the size designation, and,

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed is 81 MPH or a ''M'' rating;

(5) tires designed and marketed exclusively as temporary use spare tires for light trucks which, in addition, exhibit each of the following physical characteristics:

(a) The tires have a 265/70R17, 255/80R17, 265/70R16, 245/70R17, 245/75R17, 265/70R18, or 265/70R18 size designation;

(b) ''Temporary Use Only'' or ''Spare'' is molded into the tire's sidewall;

(c) the tread depth of the tire is no greater than 6.2 mm; and

(d) Uniform Tire Quality Grade Standards (''UTQG'') ratings are not molded into the tire's sidewall with the exception of 265/70R17 and 255/80R17 which may have UTGC molded on the tire sidewall;

(6) tires designed and marketed exclusively for specialty tire (ST) use which, in addition, exhibit each of the following conditions:

(a) The size designation molded on the tire's sidewall is listed in the ST sections of the Tire and Rim Association Year Book,

(b) the designation ''ST'' is molded into the tire's sidewall as part of the size designation,

(c) the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''For Trailer Service Only'' or ''For Trailer Use Only'',

(d) the load index molded on the tire's sidewall meets or exceeds those load indexes listed in the Tire and Rim Association Year Book for the relevant ST tire size, and

(e) either

(i) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by Tire and Rim Association Year Book, and the rated speed does not exceed 81 MPH or an ''M'' rating; or

(ii) the tire's speed rating molded on the sidewall is 87 MPH or an ''N'' rating, and in either case the tire's maximum pressure and maximum load limit are molded on the sidewall and either

(1) both exceed the maximum pressure and maximum load limit for any tire of the same size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book; or

(2) if the maximum cold inflation pressure molded on the tire is less than any cold inflation pressure listed for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book, the maximum load limit molded on the tire is higher than the maximum load limit listed at that cold inflation pressure for that size designation in either the passenger car or light truck section of the Tire and Rim Association Year Book;

(7) tires designed and marketed exclusively for off-road use and which, in addition, exhibit each of the following physical characteristics:

(a) The size designation and load index combination molded on the tire's sidewall are listed in the off-the-road, agricultural, industrial or ATV section of the Tire and Rim Association Year Book,

(b) in addition to any size designation markings, the tire incorporates a warning, prominently molded on the sidewall, that the tire is ''Not For Highway Service'' or ''Not for Highway Use'',

(c) the tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 55 MPH or a ''G'' rating, and

(d) the tire features a recognizable off-road tread design;

(8) Tires designed and marketed for off-road use as all-terrain-vehicle (ATV) tires or utility-terrain-vehicle (UTV) tires, and which, in addition, exhibit each of the following characteristics:

(a) The tire's speed rating is molded on the sidewall, indicating the rated speed in MPH or a letter rating as listed by the Tire and Rim Association Year Book, and the rated speed does not exceed 87 MPH or an ''N'' rating, and

(b) both of the following physical characteristics are satisfied:

(i) The size designation and load index combination molded on the tire's sidewall does not match any of those listed in the passenger car or light truck sections of the Tire and Rim Association Year Book, and

(ii) The size designation and load index combination molded on the tire's sidewall matches any of the following size designation (American standard or metric) and load index combinations:

American standard size	Metric size	Load index
26x10R12	254/70R/12	72
27x10R14	254/65R/14	73
28x10R14	254/70R/14	75
28x10R14	254/70R/14	86
30x10R14	254/80R/14	79
30x10R15	254/75R/15	78
30x10R14	254/80R/14	90
31x10R14	254/85R/14	81
32x10R14	254/90R/14	95
32x10R15	254/85R/15	83
32x10R15	254/85R/15	94
33x10R15	254/90R/15	86
33x10R15	254/90R/15	95
35x9.50R15	241/105R/15	82
35x10R15	254/100R/15	97

The products covered by this investigation are currently classified under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.10.10.10,

4011.10.10.20, 4011.10.10.30, 4011.10.10.40, 4011.10.10.50, 4011.10.10.60, 4011.10.10.70, 4011.10.50.00, 4011.20.10.05, and 4011.20.50.10. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.90.10.10, 4011.90.10.50, 4011.90.20.10, 4011.90.20.50, 4011.90.80.10, 4011.90.80.50, 8708.70.45.30, 8708.70.45.46, 8708.70.45.48, 8708.70.45.60, 8708.70.60.30, 8708.70.60.45, and 8708.70.60.60. While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.''

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in Vietnam of passenger vehicle and light truck tires, and that such products from Korea, Taiwan, Thailand, and Vietnam are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on May 13, 2020, by the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC (''USW''), Pittsburgh, Pennsylvania.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 11, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on May 25, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 19, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 21, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is May 18, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is June 2, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before June 2, 2021. On June 16, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 18, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01983 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–632–635 and 731–TA–1466 and 731–TA–1468 (Final)]

Fluid End Blocks From China, Germany, India, and Italy; Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of fluid end blocks from China, Germany, India, and Italy that have been found by the U.S. Department of Commerce (''Commerce'') to be subsidized by the respective governments of those countries and imports of fluid end blocks from Germany and Italy that have been found by Commerce to be sold in the United States at less than fair value (''LTFV''). Imports of fluid end blocks are provided for in subheadings 7218.91.00, 7218.99.00, 7224.90.00, 7326.19.00, 7326.90.86, and 8413.91.90 of the Harmonized Tariff Schedule of the United States.

Background

The Commission instituted these investigations effective December 19, 2019, following receipt of petitions filed with the Commission and Commerce by Ellwood City Forge Company, Ellwood Quality Steels Company, and Ellwood National Steel Company, Ellwood City, Pennsylvania; A. Finkl & Sons, Chicago, Illinois; and FEB Fair Trade Coalition, Cleveland, Ohio. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of fluid end blocks from China, Germany, India, and Italy were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and imports from Germany and Italy sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)).[2] Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was by publishing the notice in the **Federal Register** on August 24, 2020 (85 FR 52151). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on December 1, 2020. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on January 25, 2021. The views of the Commission are contained in USITC Publication 5152 (January 2021), entitled *Fluid End Blocks from China, Germany, India, and Italy: Investigation Nos. 701–TA–632–635 and 731–TA–1466 and 731–TA–1468 (Final).*

By order of the Commission.

Issued: January 25, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01949 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–646 and 731–TA–1502–1504, 1508–1509, 1512, 1514, and 1516] (Final)]

Prestressed Concrete Steel Wire Strand From Argentina, Colombia, Egypt, Netherlands, Saudi Arabia, Taiwan, Turkey, and the United Arab Emirates

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is materially injured by reason of imports of prestressed concrete steel wire strand (''PC strand'') from Argentina, Colombia, Egypt, Netherlands, Saudi Arabia, Taiwan, Turkey, and the United Arab Emirates, provided for in subheading 7312.10.30 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV''), and to be subsidized by the government of Turkey.[2]

Background

The Commission instituted these investigations effective April 16, 2020, following receipt of petitions filed with the Commission and Commerce by Insteel Wire Products Company, Mount Airy, North Carolina, Sumiden Wire Products Corporation, Dickson, Tennessee, and Wire Mesh Corporation, Houston, Texas. The final phase of the investigations was scheduled by the Commission following notification of a preliminary determinations by Commerce that imports of PC strand from Turkey were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of PC strand from Argentina, Colombia, Egypt, Netherlands, Saudi Arabia, Taiwan, Turkey, and the United Arab Emirates were being sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on October 8, 2020 (85 FR 63576). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on December 10, 2020. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on January 25, 2021. The views of the Commission are contained in USITC Publication 5153 (January 2021), entitled *Prestressed Concrete Steel Wire Strand from Argentina, Colombia, Egypt, Netherlands, Saudi Arabia, Taiwan,*

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commerce issued negative preliminary and final determinations of sales at LTFV with regard to fluid end blocks from India (85 FR 44517, July 23, 2020, and 85 FR 80003, December 11, 2020).

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] The Commission also finds that imports subject to Commerce's affirmative critical circumstances determinations are not likely to undermine seriously the remedial effect of the antidumping duty orders on PC strand from Colombia, Egypt, Netherlands, and Turkey.

Turkey, and the United Arab Emirates: Investigation Nos. 701–TA–646 and 731–TA–1502–1504, 1508–1509, 1512, 1514, and 1516 (Final).

By order of the Commission.

Issued: January 26, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01964 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–648 and 731–TA–1521–1522 (Final)]

Walk-Behind Lawn Mowers From China and Vietnam; Scheduling of the Final Phase of Countervailing Duty and Anti-Dumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701–TA–648 and 731–TA–1521–1522 (Final) pursuant to the Tariff Act of 1930 (''the Act'') to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of walk-behind lawn mowers from China and Vietnam, provided for in subheading 8433.11.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce (''Commerce'') to be sold in the United States at less than fair value and imports of walk-behind lawn mowers from China preliminarily determined by Commerce to be subsidized by the Government of China sold at less-than-fair-value.

DATES: December 30, 2020.

FOR FURTHER INFORMATION CONTACT: Nitin Joshi ((202) 708–1669), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as ''certain rotary walk-behind lawn mowers, which are grass-cutting machines that are powered by internal combustion engines. The scope of the investigation covers certain walk-behind lawn mowers, whether self-propelled or non-self-propelled, whether finished or unfinished, whether assembled or unassembled, and whether containing any additional features that provide for functions in addition to mowing.

Walk-behind lawn mowers within the scope of this investigation are only those powered by an internal combustion engine with a power rating of less than 3.7 kilowatts (kw). These internal combustion engines are typically spark ignition, single or multiple cylinder, air cooled, internal combustion engines with vertical power take off shafts with a maximum displacement of 196cc. Walk-behind lawn mowers covered by this scope typically must be certified and comply with the Consumer Products Safety Commission (CPSC) Safety Standard For Walk-Behind Power Lawn Mowers under the 16 CFR part 1205. However, lawn mowers that meet the physical descriptions above, but are not certified under 16 CFR part 1205 remain subject to the scope of this proceeding.

The internal combustion engines of the lawn mowers covered by this scope typically must comply with and be certified under Environmental Protection Agency (EPA) air pollution controls title 40, chapter I, subchapter U, part 1054 of the Code of Federal Regulations standards for small non-road spark-ignition engines and equipment. However, lawn mowers that meet the physical descriptions above but that do not have engines certified under 40 CFR part 1054 or other parts of subchapter U remain subject to the scope of this proceeding.

For purposes of this investigation, an unfinished and/or unassembled lawn mower means at a minimum, a sub-assembly comprised of an engine and a cutting deck shell attached to one another. A cutting deck shell is the portion of the lawn mower—typically of aluminum or steel—that houses and protects a user from a rotating blade. Importation of the subassembly whether or not accompanied by, or attached to, additional components such as a handle, blade(s), grass catching bag, or wheel(s) constitute an unfinished lawn mower for purposes of this investigation. The inclusion in a third country of any components other than the mower subassembly does not remove the lawn mower from the scope. Lawn mowers that meet the physical description above are covered by the scope of this investigation regardless of the origin of its engine, unless such lawn mowers contain an engine that is covered by the scope of the ongoing proceedings on certain vertical shaft engines between 99cc and up to 225cc, and parts thereof (small vertical engines) from China. If the proceedings on small vertical engines from China are terminated, the lawn mowers containing small vertical engines from China will be covered by the scope of this proceeding.''

The walk-behind lawn mowers subject to these investigations are typically imported under Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting number 8433.11.0050. Walk-behind lawn mowers subject to these investigations may also enter under HTSUS statistical reporting numbers 8407.90.1010 and 8433.90.1090. The HTSUS statistical reporting numbers are provided for convenience and customs purposes only, and the written description of the merchandise under investigation is dispositive.

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China and Vietnam of walk-behind lawn mowers, and that such products are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on May 26, 2020, by MTD Products Inc., Valley City, Ohio.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to

participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov.*) No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on May 4, 2021, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on May 18, 2021. Information about the place and form of the hearing, including about how to participate in and/or view the hearing, will be posted on the Commission's website at *https://www.usitc.gov/calendarpad/calendar.html.* Interested parties should check the Commission's website periodically for updates. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before May 12, 2021. A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference to be held at 9:30 a.m. on May 14, 2021. Oral testimony and written materials to be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is May 11, 2021. Parties may also file written testimony in connection with their presentation at the hearing, as provided in § 207.24 of the Commission's rules, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is May 25, 2021. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petition, on or before May 25, 2021. On June 9, 2021, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before June 11, 2021, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: January 25, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01951 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1465 (Final)]

4th Tier Cigarettes from Korea; Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded by reason of imports of 4th tier cigarettes from Korea, provided for in subheading 2402.20.80 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce (''Commerce'') to be sold in the United States at less than fair value (''LTFV'').[2] [3]

Background

The Commission instituted this investigation effective December 18, 2019, following receipt of a petition filed with the Commission and Commerce by the Coalition Against Korean Cigarettes. The coalition members are Xcaliber International, Pryor, Oklahoma and Cheyenne

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 85 FR 79994 (December 11, 2020).

[3] Vice Chair Randolph J. Stayin and Commissioner Rhonda K. Schmidtlein dissenting.

International, Grover, North Carolina. The Commission scheduled the final phase of the investigation following notification of a preliminary determination by Commerce that imports of 4th tier cigarettes from Korea were being sold at LTFV within the meaning of section 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 3, 2020 (85 FR 46718). In light of the restrictions on access to the Commission building due to the COVID–19 pandemic, the Commission conducted its hearing through written testimony and video conference on December 3, 2020. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 735(b) of the Act (19 U.S.C. 1673d(b)). It completed and filed its determination in this investigation on January 25, 2021. The views of the Commission are contained in USITC Publication 5151 (January 2021), entitled *4th Tier Cigarettes from Korea: Investigation No. 731–TA–1465 (Final).*

By order of the Commission.

Issued: January 25, 2021.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2021–01948 Filed 1–28–21; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0096]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension Without Change of a Currently Approved Collection; Environmental Information—ATF Form 5000.29

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 1, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Extension without change of a currently approved collection.

(2) *The Title of the Form/Collection:* Environmental Information.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 5000.29.

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Business or other for-profit.

Other: None.

Abstract: The National Environmental Policy Act, 42 U.S.C Chapter 55, authorizes the execution of Environmental Information—ATF Form 5000.29, during the explosives application process, to ensure compliance with the Act. ATF personnel reviews the collected information to determine if there is any adverse impact on the environment due to the applicant's business operations, or disposal of waste products.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 680 respondents will use the form annually, and it will take each respondent approximately 30 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 340 hours, which is equal to 680 (# of respondents) * .5 (30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 25, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–01928 Filed 1–28–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0007]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension With or Without Change of a Currently Approved Collection; Release and Receipt of Imported Firearms, Ammunition and Defense Articles—ATF Form 6A (5330.3C)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 1, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension with change of a currently approved collection.

(2) *The Title of the Form/Collection:* Release and Receipt of Imported Firearms, Ammunition and Defense Articles.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 6A (5330.3C).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: Business or other for-profit and not-for-profit institutions.

Abstract: The information collected on the Release and Receipt of Imported Firearms, Ammunition and Defense Articles—ATF Form 6A (5330.3C) is used to determine if articles listed on the permit application meet the statutory and regulatory criteria for importation, and were actually imported.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 28,000 respondents will use the form annually, and it will take each respondent approximately 35 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 16,333 hours, which is equal to 28,000 (# of respondents) * .58332 (35 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 26, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–01963 Filed 1–28–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0084]

Agency Information Collection Activities; Proposed eCollection of eComments Requested; Extension With Change of a Currently Approved Collection; Application and Permit for Temporary Importation of Firearms and Ammunition by Nonimmigrant Aliens—ATF Form 6NIA (5330.3D)

AGENCY: Bureau of Alcohol, Tobacco, Firearms and Explosives, Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), Department of Justice (DOJ) will submit the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for an additional 30 days until March 1, 2021.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

—Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and

—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Extension with change of a currently approved collection.

(2) *The Title of the Form/Collection:* Application and Permit for Temporary Importation of Firearms and Ammunition By Nonimmigrant Aliens.

(3) *The agency form number, if any, and the applicable component of the Department sponsoring the collection:*

Form number: ATF Form 6NIA (5330.3D).

Component: Bureau of Alcohol, Tobacco, Firearms and Explosives, U.S. Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:*

Primary: Individuals or households.

Other: None.

Abstract: The Application and Permit for Temporary Importation of Firearms

and Ammunition By Nonimmigrant Aliens—ATF Form 6NIA (5330.3D) is used by nonimmigrant aliens to temporarily import firearms and ammunition into the United States for hunting or other sporting purposes.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* An estimated 15,000 respondents will utilize the form annually, and it will take each respondent approximately 30 minutes to complete their responses.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The estimated annual public burden associated with this collection is 7,500 hours, which is equal to 15,000 (# of respondents) * .5 (30 minutes).

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: January 26, 2021.

Melody Braswell,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2021–01962 Filed 1–28–21; 8:45 am]

BILLING CODE 4410–14–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Third Amendment to Consent Decree Under the Clean Water Act

On January 15, 2021, the Department of Justice lodged a proposed Third Amendment to Consent Decree (Consent Decree) with the United States District Court for the Western District of Missouri, Western Division, in the lawsuit entitled *United States of America* v. *The City of Kansas City, Missouri,* Civil Action No. 4:10–CV–0497–GAF.

The Complaint initiating this matter sought injunctive relief and civil penalties for alleged violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.,* and National Pollutant Discharge Elimination System Permits issued thereunder in connection with overflows from Kansas City's sanitary and storm sewer systems. Kansas City (the ''City'') and the United States entered a Consent Decree on May 18, 2010, providing for the City to pay a civil penalty for its past violations of the Clean Water Act and to undertake a series of projects to reduce the overflows from its sewer system in accordance with an agreed-upon schedule.

Under the proposed Third Amendment to Consent Decree, the City has agreed to achieve a series of interim overflow reductions culminating in achievement of at least 85% reduction of overflow volume not later than December 31, 2040. The interim milestones require capture of specified percentages of overflows and implementation of specified control measures by December 31, 2024, December 31, 2030, and December 31, 2035. Additionally, the Third Amendment to Consent Decree incorporates adaptive management concepts intended to allow the parties expeditiously to agree upon re-ordering or substitution of projects in a manner that does not impact the achievement of interim or final flow capture requirements.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States of America* v *City of Kansas City, Missouri,* D.J. Ref. No. 90–5–1–1–06438/1. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $26.00 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2021–01929 Filed 1–28–21; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Trade Adjustment Assistance

In accordance with the Section 223 (19 U.S.C. 2273) of the Trade Act of 1974 (19 U.S.C. 2271, *et seq.*) (''Act''), as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance under Chapter 2 of the Act (''TAA'') for workers by (TA–W) number issued during the period of *December 1, 2020 through December 31, 2020.* (This Notice primarily follows the language of the Trade Act. In some places however, changes such as the inclusion of subheadings, a reorganization of language, or ''and,'' ''or,'' or other words are added for clarification.)

Section 222(a)—Workers of a Primary Firm

In order for an affirmative determination to be made for workers of a primary firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements under Section 222(a) of the Act (19 U.S.C. 2272(a)) must be met, as follows:

(1) The first criterion (set forth in Section 222(a)(1) of the Act, 19 U.S.C. 2272(a)(1)) is that a significant number or proportion of the workers in such workers' firm (or ''such firm'') have become totally or partially separated, or are threatened to become totally or partially separated; AND (2(A) or 2(B) below)

(2) The second criterion (set forth in Section 222(a)(2) of the Act, 19 U.S.C. 2272(a)(2)) may be satisfied by either (A) the Increased Imports Path, or (B) the Shift in Production or Services to a Foreign Country Path/Acquisition of Articles or Services from a Foreign Country Path, as follows:

(A) Increased Imports Path

(i) The sales or production, or both, of such firm, have decreased absolutely; AND (ii and iii below)

(ii) (I) imports of articles or services like or directly competitive with articles produced or services supplied by such firm have increased; OR

(II)(aa) imports of articles like or directly competitive with articles into which one or more component parts produced by such firm are directly incorporated, have increased; OR

(II)(bb) imports of articles like or directly competitive with articles which are produced directly using the services

supplied by such firm, have increased; OR

(III) imports of articles directly incorporating one or more component parts produced outside the United States that are like or directly competitive with imports of articles incorporating one or more component parts produced by such firm have increased; AND

(iii) the increase in imports described in clause (ii) contributed importantly to such workers' separation or threat of separation and to the decline in the sales or production of such firm; OR

(B) Shift in Production or Services to a Foreign Country Path OR Acquisition of Articles or Services From a Foreign Country Path

(i) (I) There has been a shift by such workers' firm to a foreign country in the production of articles or the supply of services like or directly competitive with articles which are produced or services which are supplied by such firm; OR

(II) such workers' firm has acquired from a foreign country articles or services that are like or directly competitive with articles which are produced or services which are supplied by such firm; AND

(ii) the shift described in clause (i)(I) or the acquisition of articles or services described in clause (i)(II) contributed importantly to such workers' separation or threat of separation.

Section 222(b)—Adversely Affected Secondary Workers

In order for an affirmative determination to be made for adversely affected secondary workers of a firm and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(b) of the Act (19 U.S.C. 2272(b)) must be met, as follows:

(1) A significant number or proportion of the workers in the workers' firm or an appropriate subdivision of the firm have become totally or partially separated, or are threatened to become totally or partially separated; AND

(2) the workers' firm is a supplier or downstream producer to a firm that employed a group of workers who received a certification of eligibility under Section 222(a) of the Act (19 U.S.C. 2272(a)), and such supply or production is related to the article or service that was the basis for such certification (as defined in subsection 222(c)(3) and (4) of the Act (19 U.S.C. 2272(c)(3) and (4)); AND

(3) either—

(A) the workers' firm is a supplier and the component parts it supplied to the firm described in paragraph (2) accounted for at least 20 percent of the production or sales of the workers' firm; OR

(B) a loss of business by the workers' firm with the firm described in paragraph (2) contributed importantly to the workers' separation or threat of separation determined under paragraph (1).

Section 222(e)—Firms Identified by the International Trade Commission

In order for an affirmative determination to be made for adversely affected workers in firms identified by the International Trade Commission and a certification issued regarding eligibility to apply for TAA, the group eligibility requirements of Section 222(e) of the Act (19 U.S.C. 2272(e)) must be met, by following criteria (1), (2), and (3) as follows:

(1) The workers' firm is publicly identified by name by the International Trade Commission as a member of a domestic industry in an investigation resulting in—

(A) an affirmative determination of serious injury or threat thereof under section 202(b)(1) of the Act (19 U.S.C. 2252(b)(1)); OR

(B) an affirmative determination of market disruption or threat thereof under section 421(b)(1) of the Act (19 U.S.C. 2436(b)(1)); OR

(C) an affirmative final determination of material injury or threat thereof under section 705(b)(1)(A) or 735(b)(1)(A) of the Tariff Act of 1930 (19 U.S.C. 1671d(b)(1)(A) and 1673d(b)(1)(A)); AND

(2) the petition is filed during the 1-year period beginning on the date on which—

(A) a summary of the report submitted to the President by the International Trade Commission under section 202(f)(1) of the Trade Act (19 U.S.C. 2252(f)(1)) with respect to the affirmative determination described in paragraph (1)(A) is published in the **Federal Register** under section 202(f)(3) (19 U.S.C. 2252(f)(3)); OR

(B) notice of an affirmative determination described in subparagraph (B) or (C) of paragraph (1) is published in the **Federal Register**; AND

(3) the workers have become totally or partially separated from the workers' firm within—

(A) the 1-year period described in paragraph (2); OR

(B) notwithstanding section 223(b) of the Act (19 U.S.C. 2273(b)), the 1-year period preceding the 1-year period described in paragraph (2).

Affirmative Determinations for Trade Adjustment Assistance

The following certifications have been issued. The date following the company name and location of each determination references the impact date for all workers of such determination.

The following certifications have been issued. The requirements of Section 222(a)(2)(A) (Increased Imports Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,396	TDY Industries, LLC, ATI Forged Products, Portland Operations, Allegheny Technologies.	Portland, IN	November 20, 2018.
95,593	Sakthi Automotive Group USA, Inc., Aerotek, Kelly Services, ICR Industrial Control Repair, AQL.	Detroit, MI	January 22, 2019.
95,660	Mount Vernon Mills, Inc., Alto, R.B. Pamplin, Express Staffing, Defender Staffing, Dycos, Flexicrew.	Alto, GA	January 13, 2019.
95,660A	Mount Vernon Mills, Inc., Trion Mill division, Yarn Manufacturing, R.B. Pamplin Corporation.	Trion, GA	January 13, 2019.
95,686	Atlas Copco IAS LLC, Industrial Technique Business Area division, Atlas Copco North America, LLC.	Auburn Hills, MI	February 12, 2019.
95,910	U.S. Steel Tubular Products, Inc., Lone Star Tubular Operations, U.S. Steel Corporation.	Lone Star, TX	May 4, 2019.
96,038	ArcelorMittal USA Indiana Harbor, ArcelorMittal USA, Superior Engineering, ABM Industry Groups, etc.	East Chicago, IN	July 7, 2019.
96,086	Huntington Alloys Corporation, Special Metals Division, Kelly Services	Huntington, WV	July 23, 2019.
96,091	Somerset Operating Company, LLC (SOC), Riesling Power LLC	Barker, NY	July 23, 2019.
96,544	Phelps Dodge Industries, Inc	Elizabeth, NJ	October 8, 2019.

TA–W No.	Subject firm	Location	Impact date
96,600	Kinyo Virginia/DYC	Virginia Beach, VA	November 6, 2019.
96,614	Vishay Dale Electronics, LLC	Yankton, SD	November 16, 2019.

The following certifications have been issued. The requirements of Section 222(a)(2)(B) (Shift in Production or Services to a Foreign Country Path or Acquisition of Articles or Services from a Foreign Country Path) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,420	Bed, Bath & Beyond, Inc., Corporate Headquarters, Financial Operations Group.	Union, NJ	November 21, 2018.
95,592	Prime Healthcare Services, Saint John Leavenworth, Saint John Hospital, etc.	Leavenworth, KS	January 22, 2019.
95,697	Quest Software Inc., Technical Development and Support Group, Quest Software US Holdings Inc.	Reston, VA	February 14, 2019.
95,697A	Quest Software Inc., Technical Development and Support Group, Quest Software US Holdings Inc.	Aliso Viejo, CA	February 14, 2019.
95,742	DSV Air & Sea Inc., IT Support	Portland, OR	February 26, 2019.
95,752	Manchester Tank & Equipment Company, Express Employment	Bedford, IN	February 28, 2019.
95,809	FormFactor Beaverton, FormFactor, Inc., Finance Department	Beaverton, OR	March 11, 2019.
95,898	Toppan Merrill, Capital Markets, Composition Services, Toppan Merrill USA Inc., etc.	Saint Paul, MN	April 22, 2019.
95,976	MEDNAX Services Inc., MEDNAX Inc., Revenue Cycle Management Division.	Arlington, TX	June 9, 2019.
96,032	IDL Techniedge LLC, Stanley Black & Decker	Kenilworth, NJ	July 1, 2019.
96,042	Chick Master Incubator Company, International Hatchery Holdings Group, TBG, Integrity Staffing, Employtemps.	Medina, OH	July 7, 2019.
96,044	PCC Structurals, Inc., Precision Castparts Corporation, Aerotek Staffing and Recruiting, PQNDT.	Redmond, OR	July 7, 2019.
96,077	ASARCO, LLC, Hayden Smelter and Concentrator, Staff Matters LLC, Technical Professionals.	Hayden, AZ	July 22, 2019.
96,106	Veritas Technologies LLC, Backup Exec Organization, Global Support & Services Organization, EV.cloud.	Lake Mary, FL	July 27, 2019.
96,108	Cargill Cocoa & Chocolate, Inc., Cargill, Inc., HireGenics	Hazleton, PA	July 28, 2019.
96,112	Columbus Mckinnon Corporation, Office Team	Lisbon, OH	July 29, 2019.
96,112A	Columbus Mckinnon Corporation, Luttrell Staffing Group	Damascus, VA	July 29, 2019.
96,123	SECO/WARWICK Corporation, SECO/WARWICK SA	Meadville, PA	August 4, 2019.
96,136	Cooper-Standard Automotive, Kelly Services	Surgoinsville, TN	August 12, 2019.
96,144	Signify North America Corporation, Ranstad Staffing	Salina, KS	August 17, 2019.
96,166	US Tool Grinding, Inc., TalentForce	Farmington, MO	August 28, 2019.
96,176	Safran Cabin Sterling, Inc., Adecco Employment Services, Augmentation, Inc.	Sterling, VA	September 2, 2019.
96,300	Collins Aerospace	Windsor Locks, CT	September 21, 2020.
96,305	Foveon, Inc., Sigma Corporation of America, Research and Development Department.	San Jose, CA	September 23, 2019.
96,311	ShopVac Corporation	Williamsport, PA	September 24, 2019.
96,401	Eaton, Bussmann division	Ellisville, MO	September 25, 2019.
96,501	Joe Benbasset Inc.	New York, NY	September 23, 2019.
96,508	Nokia of America Corporation	Murray Hill, NJ	September 25, 2020.
96,523	Philips North America LLC, Quality and Regulatory	Nashville, TN	October 5, 2019.
96,560	Pall Corporation	Lutherville Timonium, MD	October 15, 2019.
96,570	Tenet Hospitals Limited, dba THOP Shared Services Facility, Finance & Accounting, Accounts Payable, and Procurement departments, an indirect wholly-owned subsidiary of Tenet H.	El Paso, TX	October 22, 2019.
96,570A	Tenet Hospitals Limited, dba THOP Memorial Campus, Finance & Accounting, Accounts Payable, and Procurement departments, an indirect wholly-owned subsidiary of Tenet Healthcare.	El Paso, TX	October 22, 2019.
96,570B	Tenet Hospitals Limited, dba THOP Sierra Campus, Finance & Accounting, Accounts Payable, and Procurement departments, an indirect wholly-owned subsidiary of Tenet Healthcare.	El Paso, TX	October 22, 2019.
96,570C	Tenet Hospitals Limited, dba THOP Transmountain Campus, Finance & Accounting, Accounts Payable, and Procurement departments, an indirect wholly-owned subsidiary of Tenet Health.	El Paso, TX	October 22, 2019.
96,570D	Tenet Hospitals Limited, dba THOP East Campus, Finance & Accounting, Accounts Payable, and Procurement departments, an indirect wholly-owned subsidiary of Tenet Healthcare Corporation.	El Paso, TX	October 22, 2019.
96,576	IAC Greencastle LLC, a wholly owned subsidiary of International Automotive Components Group North America Inc.	Greencastle, IN	October 27, 2019.
96,584	Hunter Douglas Fabrication Company, Cumberland division	Cumberland, MD	October 30, 2019.
96,591	ABB, Inc, Industrial Connections and Solutions, LLC	Morristown, TN	November 4, 2019.
96,592	The Hall China Company	East Liverpool, OH	November 5, 2019.
96,608	Methode Electronics, North American Automotive division	Carthage, IL	November 10, 2019.

TA–W No.	Subject firm	Location	Impact date
96,613	VHS San Antonio Partners, LLC dba Baptist Health Systems, Procurement Department, an indirect wholly-owned subsidiary of Tenet Healthcare Corporation.	San Antonio, TX	November 16, 2019.
96,617	Hikari USA Inc	Orangeburg, SC	November 17, 2019.
96,620	McKesson Corporation, Corporate Finance	Irving, TX	November 19, 2019.
96,623	BuzziSpace Inc	High Point, NC	November 20, 2019.
96,628	Acuity Brands Lighting Inc.	Fishers, IN	November 25, 2019.
96,629	Buhler Versatile USA, Inc	Willmar, MN	November 25, 2019.
96,631	Aisin World Corp of America	Northville, MI	November 30, 2019.
96,632	JTEKT North America Corporation, JTEKT Automotive Texas, L.P	Ennis, TX	December 2, 2019.
96,634	Novares US Engine Components, Inc., Richland Center Plant	Richland Center, WI	December 3, 2019.
96,637	Ferro Corporation	Washington, PA	February 21, 2021.
96,640	Acuity Brands Lighting, IPF (Indiana Production Facility)	Crawfordsville, IN	December 4, 2019.

The following certifications have been issued. The requirements of Section 222(b) (supplier to a firm whose workers are certified eligible to apply for TAA) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
95,909	Harsco Environmental, Koppel Plant	Koppel, PA	May 4, 2019.
96,124	Astronics–Peco	Clackamas, OR	August 5, 2019.
96,180	MAX Aerostructures, LLC	Wichita, KS	September 3, 2019.
96,189	LMI Aerospace, Inc., Sonaca, 411 Fountain Lakes	St. Charles, MO	September 14, 2019.
96,189A	LMI Aerospace, Inc., d/b/a Leonard's Metal, Inc., Sonaca, 3030 Highway 94.	St. Charles, MO	September 14, 2019.

The following certifications have been issued. The requirements of Section 222(e) (firms identified by the International Trade Commission) of the Trade Act have been met.

TA–W No.	Subject firm	Location	Impact date
96,304	Arcosa Wind Towers, Inc., Arcosa Inc	Clinton, IL	August 25, 2019.
96,543	Kimball Hospitality, Inc., Kimball Hospitality–Jasper	Jasper, IN	April 17, 2019.
96,559	Marmen Energy Co	Brandon, SD	August 25, 2019.
96,594	Pactiv LLC	Franklin Park, IL	September 10, 2019.
96,595	Pactiv LLC	Bridgeview, IL	September 10, 2019.
96,597	Pactiv LLC	Bedford Park, IL	September 10, 2019.
96,599	Klockner Pentaplast of America Inc	Beaver, WV	September 10, 2019.
96,601	Ex-Tech Plastics, Inc	Richmond, IL	September 10, 2019.
96,603	D & W Fine Pack, LLC	Elk Grove Village, IL	September 10, 2019.
96,606	Broadwind Heavy Fabrications, ABI division Broadwind Energy	Abilene, TX	August 25, 2019.
96,607	Pactiv Packaging Inc	Mineral Wells, WV	September 10, 2019.

Negative Determinations for Worker Adjustment Assistance

In the following cases, the investigation revealed that the eligibility criteria for TAA have not been met for the reasons specified.

The investigation revealed that the criteria under paragraphs (a)(2)(A)(i) (decline in sales or production, or both), or (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
95,516	Cameron Manufacturing & Design, Express Employment, Innovation Professional Placement.	Horseheads, NY.	

The investigation revealed that the criteria under paragraphs (a)(2)(A) (increased imports), (a)(2)(B) (shift in production or services to a foreign country or acquisition of articles or services from a foreign country), (b)(2) (supplier to a firm whose workers are certified eligible to apply for TAA or downstream producer to a firm whose workers are certified eligible to apply for TAA), and (e) (International Trade Commission) of section 222 have not been met.

TA–W No.	Subject firm	Location	Impact date
95,033	Shelton Turnbull Printers	Eugene, OR.	
95,278	Transim Technology Corporation, Arrow Electronics, Inc	Portland, OR.	
95,601	Timken SMO LLC, Timken, Penmac Staffing	Fort Scott, KS.	
95,671	Event Solutions International Inc., Motus One	Troy, MI.	
95,672	VersaLogic Corp., Protingent, Boly Welch, AZAD	Tualatin, OR.	
95,828	Petrosmith	Abilene, TX.	
95,857	WTX Oilfield Services, LLC	San Angelo, TX.	
95,872	Noah Horn Well Drilling Inc	Vansant, VA.	
95,985	Liberty Oilfield Services, Liberty Oilfield Services, LLC	Henderson, CO.	
96,037	Rolls-Royce Crosspointe LLC, Broadspire	Prince George, VA.	
96,067	Bed Bath & Beyond, Inc., Store #244	Providence, RI.	
96,157	Ultra-Premium Services, LLC, Maverick Tube Corporation, Tenaris S.A, Adecco Employment Service Dept.	Brookfield, OH.	
96,615	Alpha Surgical Inc	North Providence, RI	November 16, 2019.
96,626	Davol Inc., Business Headquarters	Warwick, RI	November 23, 2019.

Determinations Terminating Investigations of Petitions for Trade Adjustment Assistance

After notice of the petitions was published in the **Federal Register** and on the Department's website, as required by Section 221 of the Act (19 U.S.C. 2271), the Department initiated investigations of these petitions.

The following determinations terminating investigations were issued because the petitioner has requested that the petition be withdrawn.

TA–W No.	Subject firm	Location	Impact date
96,616	Vanguard Home Medical Equipment	Warwick, RI	November 16, 2019.
96,625	Bettering Builders	Soddy Daisy, TN	November 23, 2019.

The following determinations terminating investigations were issued because the worker group on whose behalf the petition was filed is covered under an existing certification.

TA–W No.	Subject firm	Location	Impact date
96,057	22nd Century Technologies and Noble Tek, The Boeing Company, Boeing Commercial Aircraft (BCA).	Saint Louis, MO.	

The following determinations terminating investigations were issued because the petitioning group of workers is covered by an earlier petition that is the subject of an ongoing investigation for which a determination has not yet been issued.

TA–W No.	Subject firm	Location	Impact date
96,551	Foveon Incorporated	San Jose, CA	October 9, 2019.
96,561	Eaton	Ellisville, MO	October 16, 2019.
96,630	ASCO Power Technologies	Independence, OH	November 30, 2019.
96,655	United States Steel Corporation	Ecorse, MI	December 23, 2019.

I hereby certify that the aforementioned determinations were issued during the period of *December 1, 2020 through December 31, 2020.* These determinations are available on the Department's website *https://www.doleta.gov/tradeact/petitioners/taa_search_form.cfm* under the searchable listing determinations or by calling the Office of Trade Adjustment Assistance toll free at 888–365–6822.

Signed at Washington, DC, this 11th day of January 2021.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

[FR Doc. 2021–01933 Filed 1–28–21; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Administrator of the Office of Trade Adjustment Assistance, Employment and Training Administration, has

instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing provided such request is filed in writing with the Administrator, Office of Trade Adjustment Assistance, at the address shown below, no later than February 8, 2021.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Administrator, Office of Trade Adjustment Assistance, at the address shown below, not later than February 8, 2021.

The petitions filed in this case are available for inspection at the Office of the Administrator, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW, Washington, DC 20210.

Signed at Washington, DC this 11th day of January 2021.

Hope D. Kinglock,

Certifying Officer, Office of Trade Adjustment Assistance.

Appendix

30 TAA Petitions Instituted Between 12/1/20 and 12/31/20

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
96630	ASCO Power Technologies (Company Official)	Independence, OH	01–Dec–2020	30–Nov–2020.
96631	Aisin World Corp of America (State Official)	Northville, MI	01–Dec–2020	30–Nov–2020.
96632	JTEKT North America Corporation (State Official)	Ennis, TX	03–Dec–2020	02–Dec–2020.
96633	TE Connectivity (Company Official)	Oceanside, CA	03–Dec–2020	02–Dec–2020.
96634	Novares US Engine Components, Inc. (Company Official).	Richland Center, WI	04–Dec–2020	03–Dec–2020.
96635	Mid–Continent Instrument Co., Inc. (State Official)	Wichita, KS	04–Dec–2020	03–Dec–2020.
96636	Nokia of America Corporation (State Official)	Dublin, OH	04–Dec–2020	03–Dec–2020.
96637	Ferro Corporation (Company Official)	Washington, PA	04–Dec–2020	03–Dec–2020.
96638	UNFI (State Official)	Providence, RI	04–Dec–2020	04–Dec–2020.
96639	Pratt and Whitney (State Official)	Wichita, KS	04–Dec–2020	04–Dec–2020.
96640	Acuity Brands Lighting (State Official)	Crawfordsville, IN	07–Dec–2020	04–Dec–2020.
96641	Hewlett Packard Enterprise Pointnext Division (State Official).	Colorado Springs, CO	08–Dec–2020	07–Dec–2020.
96642	Super Vista North America (State Official)	Irvine, CA	10–Dec–2020	10–Dec–2020.
96643	DUS Operating Inc. dba Dura Automotive Systems (State Official).	Moberly, MO	14–Dec–2020	11–Dec–2020.
96644	Collins Aerospace (State Official)	Decorah, IA	15–Dec–2020	14–Dec–2020.
96645	American Woodmark (State Official)	Moorefield, WV	16–Dec–2020	09–Dec–2020.
96646	Campbell Hausfeld (Worker)	Leitchfield, KY	16–Dec–2020	30–Oct–2020.
96647	Octapharma Plasma (State Official)	Newport News, VA	16–Dec–2020	16–Dec–2020.
96648	Manitou Equipment America, LLC (State Official)	Waco, TX	18–Dec–2020	17–Dec–2020.
96649	Spectrum Brands (Locally known as Tetra) (State Official).	Blacksburg, VA	21–Dec–2020	17–Dec–2020.
96650	Pacific Cast Technologies a CPP Company (State Official).	Albany, OR	23–Dec–2020	22–Dec–2020.
96651	DeCare Dental, LLC. a subsidiary of Anthem Companies, Inc. (State Official).	Oceanside, MN	23–Dec–2020	22–Dec–2020.
96652	Nidec Sankyo America Corporation (Company Official)	Shelbyville, IN	23–Dec–2020	22–Dec–2020.
96653	HCL Technologies LTD (State Official)	Boise, ID	28–Dec–2020	24–Dec–2020.
96654	Ralph Lauren (State Official)	New York, NY	28–Dec–2020	24–Dec–2020.
96655	United States Steel Corporation (State Official)	Ecorse, MI	28–Dec–2020	23–Dec–2020.
96656	Beckman Coulter, Inc. (State Official)	Grants Pass, OR	29–Dec–2020	28–Dec–2020.
96657	Hampden Paper/LL Flex (State Official)	Holyoke, MA	29–Dec–2020	29–Dec–2020.
96658	Hub City (Regal Beloit) (State Official)	Aberdeen, SD	29–Dec–2020	28–Dec–2020.
96659	Halliburton Energy Services, Inc. (Worker)	Duncan, OK	31–Dec–2020	30–Dec–2020.

[FR Doc. 2021–01934 Filed 1–28–21; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Information Collection Activities; Comment Request

AGENCY: Bureau of Labor Statistics, Department of Labor.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''Veterans Supplement to the Current Population Survey (CPS),'' to be conducted in August 2021, August

2022, and August 2023. A copy of the proposed information collection request can be obtained by contacting the individual listed below in the **ADDRESSES** section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before March 30, 2021.

ADDRESSES: Send comments to Erin Good, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 4080, 2 Massachusetts Avenue NE, Washington, DC 20212. Written comments also may be transmitted by email to *BLS_PRA_Public@bls.gov.*

FOR FURTHER INFORMATION CONTACT: Erin Good, BLS Clearance Officer, at 202–691–7763 (this is not a toll free number). (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The CPS has been the principal source of official Government statistics on employment and unemployment since 1940 (75 years). Collection of labor force data through the CPS is necessary to meet the requirements in Title 29, United States Code, Sections 1 and 2. The Veterans Supplement provides information on the labor force status of veterans with a service-connected disability, combat veterans, past or present National Guard and Reserve members, and recently discharged veterans. Also, Afghanistan, Iraq, and Vietnam veterans are identified by location of service. Data are provided by period of service and a range of demographic characteristics. The supplement also provides information on veterans' participation in various transition and employment and training programs. The data collected through this supplement will be used by the U.S. Department of Labor's Veterans Employment and Training Service (VETS) and the U.S. Department of Veterans Affairs (VA) to determine policies that better meet the needs of our Nation's veteran population.

In order to make the information for the supplement more relevant, twenty-four questions are proposed for addition starting with the 2021 Veterans Supplement. New questions include items about veterans' transition from Active Duty to civilian employment, details about working with service-connected disabilities, awareness of VA benefits, and work duties while in the Armed forces. In addition, many questions were revised; most of these changes were made to streamline or clarify language or to update questions to use more current terms. Finally, ten questions are proposed for elimination; these little-used questions include detailed questions about veterans' experiences with Transition Assistance Program workshops, strategies for obtaining employment (networking, etc.), and whether veterans receive a monthly check from the VA for a service-connected disability. The revised questionnaire underwent cognitive testing and expert review.

II. Current Action

Office of Management and Budget clearance is being sought for the Veterans Supplement to the CPS.

A revision of a currently approved collection is needed to continue to provide the Nation with timely information about the labor force status of veterans with a service-connected disability, combat veterans, past or present National Guard and Reserve members, recently discharged veterans, and veterans who have served in Afghanistan, Iraq, or Vietnam. In addition, the Veterans Supplement will provide information to assist VA and VETS to develop programs and policies that smooth veterans' transition into civilian employment, including for veterans with service-connected disabilities.

III. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility.
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submissions of responses.

Title of Collection: Veterans Supplement to the CPS.

OMB Number: 1220–0102.

Type of Review: Revision of a currently approved collection.

Affected Public: Households and individuals.

Total Respondents: 7,100.

Frequency: Annually.

Total Responses: 7,100.

Average Time per Response: 4.25 minutes.

Estimated Total Burden Hours: 503 hours.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they also will become a matter of public record.

Signed at Washington, DC, on January 15, 2021.

Mark Staniorski,

Chief, Division of Management Systems.

[FR Doc. 2021–01935 Filed 1–28–21; 8:45 am]

BILLING CODE 4510–24–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice: (21–006)]

Aerospace Safety Advisory Panel; Meeting

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, the National Aeronautics and Space Administration announces a forthcoming meeting of the Aerospace Safety Advisory Panel (ASAP).

DATES: Thursday, February 18, 2021, 11:30 a.m. to 1:00 p.m., Eastern Time.

ADDRESSES: This will be a virtual meeting via teleconference.

FOR FURTHER INFORMATION CONTACT: Ms. Lisa M. Hackley, ASAP Administrative Officer, NASA Headquarters, Washington, DC 20546, (202) 358–1947 or *lisa.m.hackley@nasa.gov.*

SUPPLEMENTARY INFORMATION: The Aerospace Safety Advisory Panel (ASAP) will hold its First Quarterly Meeting for 2021. This discussion is pursuant to carrying out its statutory duties for which the Panel reviews, identifies, evaluates, and advises on those program activities, systems, procedures, and management activities that can contribute to program risk. Priority is given to those programs that involve the safety of human flight. The agenda will include:

—Updates on the International Space Station Program
—Updates on the Commercial Crew Program
—Updates on Exploration System Development Program
—Updates on Human Lunar Exploration Program

This meeting is a virtual meeting, and only available telephonically. Any interested person may call the USA toll free conference call number 888–566–6133; passcode 8343253 and then the # sign. At the beginning of the meeting, members of the public may make a verbal presentation to the Panel on the subject of safety in NASA, not to exceed 5 minutes in length. To do so, members of the public must contact Ms. Lisa M. Hackley at *lisa.m.hackley@nasa.gov* or at (202) 358–1947 at least 48 hours in advance. Any member of the public is permitted to file a written statement with the Panel via electronic submission to Ms. Hackley at the email address previously noted. Verbal presentations and written statements should be limited to the subject of safety in NASA. It is imperative that the meeting be held on this date to accommodate the scheduling priorities of the key participants.

Carol J. Hamilton,

Acting Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 2021–01925 Filed 1–28–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[NASA Document Number 21–004]

Name of Information Collection: NASA New Technology Reporting System

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Notice of information collection—Renewal of existing approved collection.

SUMMARY: The National Aeronautics and Space Administration has submitted for OMB review a request regarding this information collection under the provisions of the Paperwork Reduction Act.

DATES: Comments are due by March 30, 2021.

ADDRESSES: Written comments and recommendations for this information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review-Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Claire Little, NASA Clearance Officer, *claire.a.little@nasa.gov.*

SUPPLEMENTARY INFORMATION:

I. Abstract

Contractors performing research and development are required by statutes, NASA implementing regulations, and OMB policy to submit reports of inventions, patents, data, and copyrights, including the utilization and disposition of same. The NASA New Technology Summary Report reporting form is being used for this purpose.

II. Methods of Collection

NASA FAR Supplement clauses for patent rights and new technology encourage the contractor to use an electronic form and provide a hyperlink to the electronic New Technology Reporting System (e-NTR) site *http://invention.nasa.gov.* This website has been set up to help NASA employees and parties under NASA funding agreements (*i.e.,* contracts, grants, cooperative agreements, and subcontracts) to report new technology information directly to NASA via a secure internet connection.

III. Data

Title: NASA New Technology Reporting System.

OMB Number: 2700–0052.

Type of review: Extension of a currently approved collection.

Affected Public: Businesses, colleges and university and/or other for-profit institutions.

Estimated Annual Number of Activities: 3,372.

Estimated Number of Respondents per Activity: 1.

Annual Responses: 3,372.

Estimated Time per Response: 3 hours.

Estimated Total Annual Burden Hours: 10,116.

Estimated Total Annual Cost: $518,191.45.

IV. Request for Comments

Comments are invited on: (1) Whether the proposed collection of information is necessary for the proper performance of the functions of NASA, including whether the information collected has practical utility; (2) the accuracy of NASA's estimate of the burden (including hours and cost) of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including automated collection techniques or the use of other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the request for OMB approval of this information collection. They will also become a matter of public record.

Lori Parker,

NASA PRA Clearance Officer.

[FR Doc. 2021–01926 Filed 1–28–21; 8:45 am]

BILLING CODE 7510–13–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meeting

The National Science Board's Committee on Oversight (CO), pursuant to National Science Foundation regulations (45 CFR part 614), the National Science Foundation Act, as amended (42 U.S.C. 1862n-5), and the Government in the Sunshine Act (5 U.S.C. 552b), hereby gives notice of the scheduling of a teleconference for the transaction of National Science Board business, as follows:

TIME AND DATE: Wednesday, February 3, 2021 from 12:00–1:00 p.m. EST.

PLACE: This meeting will be held by teleconference through the National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314.

STATUS: Open.

MATTERS TO BE CONSIDERED: Committee Chair's opening remarks; review and approve a handbook describing CO activity; discuss priority items from the workplan for the CO's broader impacts inquiry; discuss topics for the Chair's upcoming meeting with the Committee on Equal Opportunity in Science and Engineering (CEOSE); consider broader impacts as a part of NSF's strategic plan under development; and Committee Chair's closing remarks.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Ann Bushmiller, 2415 Eisenhower Avenue, Alexandria, VA 22314. Telephone: 703/292–7000. To listen to this teleconference, members of the public must send an email to *nationalsciencebrd@nsf.gov* at least 24 hours prior to the teleconference. The National Science Board Office will send requesters a toll-free dial-in number. Meeting information and updates may be found at *http://www.nsf.gov/nsb/notices/.jsp#sunshine.* Please refer to the National Science Board website at

www.nsf.gov/nsb for general information.

Chris Blair,

Executive Assistant to the National Science Board Office.

[FR Doc. 2021–02084 Filed 1–27–21; 4:15 pm]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2019–0253]

Final Revision to Branch Technical Position 7–19 Guidance for Evaluation of Defense in Depth and Diversity To Address Common-Cause Failure Due to Latent Design Defects in Digital Safety Systems

AGENCY: Nuclear Regulatory Commission.

ACTION: Standard review plan-final section revision; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing a final revision to Branch Technical Position (BTP) 7–19, ''Guidance for Evaluation of Defense in Depth and Diversity to Address Common-Cause Failure due to Latent Design Defects in Digital Safety Systems'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.''

DATES: The update to this BTP takes effect on January 29, 2021.

ADDRESSES: Please refer to Docket ID NRC–2019–0253 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov/* and search for Docket ID NRC–2019–0253. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Document collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

The NRC posts its issued staff guidance on the NRC's public website at *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr0800/.*

FOR FURTHER INFORMATION CONTACT: Mark D. Notich, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–3053, email: *Mark.Notich@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On January 14, 2020 (85 FR 2152), the NRC published for public comment a proposed revision of BTP 7–19, ''Guidance for Evaluation of Potential Common Cause Failure Due to Latent Software Defects in Digital Instrumentation and Control Systems'' of NUREG–0800, ''Standard Review Plan for the Review of Safety Analysis Reports for Nuclear Power Plants: LWR Edition.'' The public comment period closed on March 16, 2020. Eight public comments were received regarding draft Revision 8 of BTP 7–19. The final Revision 8 to NUREG–0800, BTP 7–19, ''Guidance for Evaluation of Defense in Depth and Diversity to Address Common-Cause Failure due to Latent Design Defects in Digital Safety Systems'' is available in ADAMS under Accession No. ML20339A647. A summary of the public comments and the NRC staff's disposition of the comments are available in ADAMS Accession No. ML20126G430. The redline/strikeout comparison between the draft version of BTP 7–19 and this final version, including revisions made in response to public comments and to improve organization, is shown in ML20364A212.

II. Backfitting, Forward Fitting, and Issue Finality

Chapter 7 of the SRP provides guidance to the staff for reviewing instrumentation and controls information provided in applications for licensing actions. Part of Chapter 7, BTP 7–19 provides guidance for the evaluation of diversity and defense-in-depth in digital computer-based instrumentation and control systems.

Issuance of this BTP revision does not constitute backfitting as defined in section 50.109 of title 10 of the *Code of Federal Regulations* (10 CFR), (the backfit rule), and as described in Management Directive (MD) 8.4, ''Management of Backfitting, Forward Fitting, Issue Finality, and Information Requests;'' constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.'' The NRC's position is based upon the following considerations.

First, the SRP provides guidance to the NRC staff on how to review an application for NRC regulatory approval in the form of licensing. Changes in guidance intended for use by only the staff are not matters that constitute backfitting as that term is defined in 10 CFR 50.109(a)(1); constitute forward fitting as that term is defined and described in MD 8.4; or affect issue finality of any approval issued under 10 CFR part 52, ''Licenses, Certificates, and Approvals for Nuclear Power Plants.''

Second, the NRC staff does not intend to use the guidance in this BTP SRP section to support NRC staff actions in a manner that would constitute backfitting or forward fitting. If, in the future, the NRC seeks to impose a position in this SRP section in a manner that constitutes backfitting or forward fitting or affects the issue finality for a 10 CFR part 52 approval, then the NRC will address the backfitting provision in 10 CFR 50.109, the forward fitting provision of MD 8.4, or the applicable issue finality provision in 10 CFR part 52, respectively.

III. Congressional Review Act

This action is not a rule as defined in the Congressional Review Act (5 U.S.C. 801–808). OMB's clearance of BTP 7–19 as a non-major rule is shown in ADAMS Accession No. ML21025A022.

Dated: January 26, 2021.

For the Nuclear Regulatory Commission.

Dennis C. Morey,

Chief, Licensing Project Branch, Division of Operating Reactors, Office of Nuclear Reactor Regulation.

[FR Doc. 2021–01984 Filed 1–28–21; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2021–0033]

Notice of Consolidation Effort To Streamline the Review Process Pertaining to Staff Guidance for Spent Fuel Storage and Radioactive Material Transportation Packages

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of consolidation of staff guidance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) has completed a consolidation effort to streamline the review process pertaining to staff guidance for spent fuel storage and radioactive material transportation packages. NUREG–1536, and NUREG–1567 have been consolidated into NUREG–2215 (NRC–2017–0211), and similarly, NUREG–1609 and NUREG–1617 have been consolidated into in NUREG–2216 (NRC–2019–0132), as well as all associated supplements and Spent Fuel Storage and Transportation Interim Staff Guidance (ISG). A notice of this consolidation has been posted on each of the affected web pages and redirects to NUREG–2215 and NUREG–2216 have been provided. Note that the retired standard review plans (SRPs) and ISG still remain available for reference as legacy documents, with links provided on each web page.

DATES: The revised format described in this document takes effect on January 29, 2021.

ADDRESSES: Please refer to Docket ID NRC–2021–0033 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2021–0033. Address questions about Docket IDs in *Regulations.gov* to Jennifer Borges; telephone: 301–287–9127; email: *Jennifer.Borges@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public

Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov.*

- *Attention:* The PDR, where you may examine and order copies of public documents, is currently closed. You may submit your request to the PDR via email at *pdr.resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737 between 8:00 a.m. and 4:00 p.m. (EST), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeremy Smith, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–7308, email: *Jeremy.Smith@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

NUREG–2215 is the new consolidated SRP for Spent Fuel Dry Storage Systems and Facilities that was issued as a draft for public comment on February 15, 2017 (82 FR 52944), under docket number NRC–2017–0211. This SRP is used by staff to generate safety evaluation reports and certificate of compliances under part 72 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Licensing Requirements for the Independent Storage of Spent Nuclear Fuel, High-Level Radioactive Waste, and Reactor-Related Greater than Class C Waste,'' for dry cask storage systems for general license facilities and for specific license facilities. NUREG–1536, NUREG–1567 and all applicable ISGs were consolidated into NUREG–2215.

NUREG–2216 is the new consolidated SRP for Transportation Packages for Spent Fuel and Radioactive Material that was issued as a draft for public comment on August 16, 2019 (84 FR 42024), under docket number NRC–2019–0132. This SRP is used by staff for evaluating package approvals under 10 CFR part 71, ''Packaging and Transportation of Radioactive Material.'' NUREG–1609, NUREG–1617, their respective supplements for mixed oxide fuels and tritium producing burnable absorber rods, and all applicable ISGs were consolidated into NUREG–2216.

NUREG–1536 was the SRP for Dry Cask Storage Systems. NUREG–1567 was the SRP for Spent Fuel Dry Storage Facilities. NUREG–1609 was the SRP for Transportation Packages for Radioactive Material. NUREG–1617 was the SRP for Transportation Packages for Spent Nuclear Fuel.

The ISG for Spent Fuel Storage and Transportation was a set of guidance documents for staff that clarify information or provide additional guidance to staff in specific areas that had evolved since the original issuance of the original SRPs.

Staff determined that a consolidation of this information would streamline the review process for staff since the original SRPs, supplements, and ISGs (over 20 documents) were cumbersome for staff to reference as part of the review process. Further, this notice is specifically made so that the public are aware of the changes that took place in the NUREG Series Publications pertaining to the standard review process for spent fuel storage and radioactive material packaging.

II. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS accession No. and web link
NUREG–2215—SRP for Spent Fuel Dry Storage Systems and Facilities, Final Report.	ML20121A190; *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2215/.*
NUREG–2216—SRP for Transportation Packages for Spent Fuel and Radioactive Material.	ML20234A651; *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr2216/.*
NUREG–1536—Revised Standard Review Plan for Spent Fuel Dry Storage Systems.	ML101040620; *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1536/.*
NUREG 1567—SRP for Spent Fuel Dry Storage Facilities	ML003686776; *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1567/.*
NUREG 1609—SRP for Transportation Packages for Radioactive Material.	ML20207F393; *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1609/.*
NUREG 1617—SRP for Transportation Packages for Spent Nuclear Fuel.	ML003696262; *https://www.nrc.gov/reading-rm/doc-collections/nuregs/staff/sr1617/.*

Document description	ADAMS accession No. and web link
Interim Staff Guidance for Spent Fuel Storage and Transportation website.	*https://www.nrc.gov/reading-rm/doc-collections/isg/spent-fuel.html.*

Dated: January 26, 2021.

For the Nuclear Regulatory Commission.

Christopher. M. Regan,

Deputy Director, Division of Fuel Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2021–01966 Filed 1–28–21; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and purpose of information collection: Availability for Work; OMB 3220–0164.

Under Section 1(k) of the Railroad Unemployment Insurance Act (45 U.S.C. 231k), unemployment benefits are not payable for any day for which the claimant is not available for work.

Under Railroad Retirement Board (RRB) regulation 20 CFR 327.5, ''available for work'' is defined as being willing and ready for work. A claimant is ''willing'' to work if willing to accept and perform for hire such work as is reasonably appropriate to his or her employment circumstances. A claimant is ''ready'' for work if he or she (1) is in a position to receive notice of work and is willing to accept and perform such work, and (2) is prepared to be present with the customary equipment at the location of such work within the time usually allotted.

Under RRB regulation 20 CFR 327.15, a claimant may be requested at any time to show, as evidence of willingness to work, that reasonable efforts are being made to obtain work. In order to determine whether a claimant is; (a) available for work, and (b) willing to work, the RRB utilizes Forms UI–38, UI Claimant's Report of Efforts to Find Work, and UI–38s, School Attendance and Availability Questionnaire, to obtain information from the claimant and Form ID–8k, Questionnaire—Reinstatement of Discharged or Suspended Employee, from the union representative. One response is completed by each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (85 FR 76629 on November 30, 2020) required by 44 U.S.C. 3506(c)(2). That request elicited no comments.

Information Collection Request (ICR)

Title: Availability for Work.

OMB Control Number: 3220–0164.

Form(s) submitted: UI–38, UI–38s, and ID–8k.

Type of request: Extension without change of a currently approved collection.

Affected public: Individuals or Households, Non-profit institutions.

Abstract: Under Section 1(k) of the Railroad Unemployment Insurance Act, unemployment benefits are not payable for any day in which the claimant is not available for work. The collection obtains information needed by the RRB to determine whether a claimant is willing and ready to work.

Changes proposed: The RRB proposes no changes to Forms UI–38, UI–38s, and ID–8k.

The burden estimate for the ICR is as follows:

Form No.	Annual responses	Time (minutes)	Burden (hours)
UI–38s (in person)	59	6	6
UI–38s (by mail)	119	10	20
UI–38	3,485	11.5	668
ID–8k	6,461	5	538
Total	10,124	.....	1,232

Additional Information or Comments: Copies of the forms and supporting documents can be obtained from Kennisha Tucker at (312) 469–2591 or *Kennisha.Tucker@rrb.gov.* Comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or *Brian.Foster@rrb.gov.*

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

Brian Foster,

Clearance Officer.

[FR Doc. 2021–01819 Filed 1–28–21; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90986; File No. SR–CBOE–2021–004]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 5.24

January 25, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 14, 2021, Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Text of the Proposed Rule Change

(a) Cboe Exchange, Inc. (the ''Exchange'' or ''Cboe Options'') proposes to amend Rule 5.24. The text of the proposed rule change is provided below.

(additions are *italicized*; deletions are [bracketed])

* * * * *

Rules of Cboe Exchange, Inc.

* * * * *

Rule 5.24. Disaster Recovery

(a)–(d) No change.

(e) *Loss of Trading Floor.* If the Exchange trading floor becomes inoperable and the Exchange does not make a virtual trading floor available in a class pursuant to subparagraph (3) below, the Exchange will continue to operate in a screen-based only environment using a floorless configuration of the System that is operational while the trading floor facility is inoperable. The Exchange will operate using this configuration only until the Exchange's trading floor facility is operational. Open outcry trading will not be available in the event the trading floor becomes inoperable, except as otherwise set forth in this paragraph (e) below and pursuant to Rule 5.26, as applicable.

(1) *Applicable Rules.* In the event that the trading floor becomes inoperable, trading will be conducted pursuant to all applicable System Rules, except that open outcry Rules will not be in force, including but not limited to the Rules (or applicable portions of the Rules) in Chapter 5, Section G, and as follows (subparagraphs (A) through ([D]*C*) will be effective until [December 31, 2020]*June 30, 2021*):

* * * * *

The text of the proposed rule change is also available on the Exchange's website (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rule 5.24 regarding the Exchange's business continuity and disaster recovery plans. Rule 5.24 describes which Trading Permit Holders (''TPHs'') are required to connect to the Exchange's backup systems as well as certain actions the Exchange may take as part of its business continuity plans so that it may maintain fair and orderly markets if unusual circumstances occurred that could impact the Exchange's ability to conduct business. This includes what actions the Exchange would take if its trading floor became inoperable. Specifically, Rule 5.24(e) states if the Exchange trading floor becomes inoperable and the Exchange does not make a virtual trading floor available in a class pursuant to Rule 5.24(e)(3), the Exchange will continue to operate in a screen-based only environment using a floorless configuration of the System that is operational while the trading floor facility is inoperable. The Exchange would operate using that configuration only until the Exchange's trading floor facility became operational. Open outcry trading would not be available in the event the trading floor becomes inoperable.[5]

Rule 5.24(e)(1) currently states in the event that the trading floor becomes inoperable, trading will be conducted pursuant to all applicable System Rules, except that open outcry Rules would not be in force, including but not limited to the Rules (or applicable portions) in Chapter 5, Section G,[6] and that all non-trading rules of the Exchange would continue to apply. The Exchange recently adopted several rule changes that would apply during a time in which the trading floor in inoperable, which are currently effective until December 31, 2020.[7] The Exchange believes these rules were necessary to implement to maintain a fair and orderly market while the trading floor was not operable in order to create an all-electronic trading environment similar to the otherwise unavailable open outcry trading environment.

As of March 16, 2020, the Exchange suspended open outcry trading to help prevent the spread of COVID–19.[8] The

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] Pursuant to Rule 5.26, the Exchange may enter into a back-up trading arrangement with another exchange, which could allow the Exchange to use the facilities of a back-up exchange to conduct trading of certain of its products. The Exchange currently has no back-up trading arrangement in place with another exchange.

[6] Chapter 5, Section G of the Exchange's rulebook sets forth the rules and procedures for manual order handling and open outcry trading on the Exchange.

[7] *See* Securities Exchange Act Release Nos. 88386 (March 13, 2020), 85 FR 15823 (March 19, 2020) (SR–CBOE–2020–019); 88447 (March 20, 2020), 85 FR 17129 (March 26, 2020) (SR–CBOE–2020–023); 88490 (March 26, 2020), 85 FR 18318 (April 1, 2020) (SR–CBOE–2020–026); 88530 (March 31, 2020), 85 FR 19182 (April 6, 2020) (SR–CBOE–2020–031); 88886 (May 15, 2020), 85 FR 31008 (May 21, 2020) (SR–CBOE–2020–047); 89307 (July 14, 2020), 85 FR 43938 (July 20, 2020) (SR–CBOE–2020–066); 89789 (September 8, 2020), 85 FR 56658 (September 14, 2020) (SR–CBOE–2020–081); and 90174 (October 14, 2020), 85 FR 66617 (October 20, 2020) (SR–CBOE–2020–092). The Exchange recently adopted permanent Position Compression Cross (''PCC'')/Compression orders and deleted subparagraph (D), pursuant to which the Exchange could offer PCC/Compression orders in the even the trading floor was inoperable. *See* Securities Exchange Act Release No. 90179 (October 14, 2020), 85 FR 66590 (October 20, 2020) (SR–CBOE–2020–074). In the rule filing to permanently adopt PCC/Compression orders, the Exchange deleted the temporary version of compression orders in subparagraph (E) in its entirety (which was later relettered to subparagraph (D) pursuant to a separate rule filing that deleted the prior subparagraph (D)), but inadvertently did not change the applicability of subparagraph (e)(1) to subparagraphs (A) through (C) rather than (A) through (D). Therefore, the proposed rule change makes this update.

[8] On March 11, 2020, the World Health Organization characterized COVID–19 as a pandemic and to slow the spread of the disease, federal and state officials implemented social-

trading floor remained closed until June 15, 2020. During the time when the trading floor was closed, the Exchange operated in an all-electronic trading environment and the temporary rules in Rule 5.24(e)(1) applied to that electronic trading environment. The Exchange believes that, while those temporary rules did not fully replicate open outcry trading, they allowed all-electronic trading to occur more similarly to open outcry trading. The Exchange has continued to consider other enhancements to the all-electronic trading configuration to further replicate the open outcry trading environment. As part of those enhancements, the Exchange recently adopted Rule 5.24(e)(3), which would permit the Exchange to make available a virtual trading floor in one or more classes if the trading floor became inoperable. That rule provides that if the Exchange makes a virtual trading floor available in a class, the temporary rules in subparagraph (e)(1) above will not apply to that class.

The trading floor is currently open for open outcry trading, and the Exchange is operating pursuant to its normal hybrid trading rules. The Exchange implemented numerous health and safety measures in connection with the reopening of the trading floor on June 15, 2020 to help protect the safety and welfare of the trading floor community and help prevent the continued spread of COVID–19.[9] However, the Exchange recognizes the ongoing nature of the COVID–19 pandemic in the United States, which may cause the Exchange to once again close its trading floor. In the event the Exchange did close its trading floor again, the Exchange believes it would be necessary to operate in an all-electronic trading environment. The Exchange may determine to make a virtual trading floor available in some or all classes. However, to the extent the virtual trading is unavailable in any class, the Exchange believes it would be necessary again to apply the adopted temporary rules in Rule 5.24(e)(1) in that class to maintain a fair and orderly market while the trading floor was not operable in order to create an all-electronic trading environment for that class similar to the otherwise unavailable open outcry trading environment. As noted above, Rule 5.24(e)(1) is currently effective only until December 31, 2020 (and the rules became inapplicable upon the reopening of the trading floor on June 15, 2020). Given the Exchange may believe it is appropriate to close the trading floor with little advanced notice and in a short timeframe to help protect the safety and welfare of the trading floor community, the Exchange proposes to extend the effectiveness of the temporary rules in Rule 5.24(e)(1) to June 30, 2021 (unless further extended). The Exchange believes this will permit the Exchange to as seamlessly as possible transition back to an all-electronic trading environment in any class in which the Exchange did not make a virtual trading floor available. The Exchange notes Rule 5.24(e)(1) will not apply to trading during times when the trading floor remains operable or to any class in which the Exchange makes a virtual trading floor available when the trading floor is inoperable.

Previously when the temporary provisions of Rule 5.24(e)(1) were in place, the Exchange's Regulatory Division has continued its standard routine surveillance reviews for electronic trading and implemented a regulatory plan to surveil the rules in place in Rule 5.24(e)(1) when operating in a screen-based only environment. In the event the Exchange closes its trading floor again and the temporary provisions in Rule 5.24(e)(1) become applicable to any class in an all-electronic trading environment, the Exchange's Regulatory Division would reimplement that regulatory plan to surveil those rules.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, protect investors and the public interest by permitting the Exchange to as seamlessly as possible transition back to an all-electronic trading environment in the event the Exchange determines it is appropriate to again close its trading floor. The Exchange expects it would take this action if it believes necessary and appropriate to help protect the safety and welfare of the trading community. Such a determination may occur with little advance notice, and closure of the trading floor may need to occur in a short time frame. The Exchange continues to believe the recent amendments to Rule 5.24(e)(1) allowed all-electronic trading to occur more similarly to open outcry trading while the trading floor was closed. The Exchange believes the proposed rule change is necessary and appropriate to provide TPHs with execution opportunities in an all-electronic trading environment in which a virtual trading floor is unavailable for orders that generally execute in open outcry trading. Rule 5.24(e)(3), which would permit the Exchange to make available a virtual trading floor in one or more classes if the trading floor became inoperable, provides that if the Exchange makes a virtual trading floor available in a class, the temporary rules in subparagraph (e)(1) will not apply to that class. The proposed rule change will provide investors with definitive knowledge of what rules will apply when the trading floor is closed (and a virtual trading floor is not available).

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not intended as a competitive filing, but rather extends the effectiveness of temporary rules as part of the Exchange's business continuity plans, which are intended to allow the Exchange to continue to maintain fair and orderly markets while

distancing measures, placed significant limitations on large gatherings, limited travel, and closed non-essential businesses.

[9] *See* Exchange Notice C2020052601, *Standards of Conduct related to the Reopening of the Cboe Options Trading Floor and COVID–19* (May 26, 2020), *available at https://cdn.cboe.com/resources/release_notes/2020/Standards-of-Conduct-related-to-the-Reopening-of-the-Cboe-Options-Trading-Floor-Notice-Final.pdf.*

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

[12] *Id.*

the Exchange's trading floor continues to be inoperable.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [15] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [16] permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately. The Exchange believes extension of the temporary rules put in place due to the ongoing COVID–19 pandemic will permit the Exchange to minimize disruptions in the market during a transition back to an all-electronic trading environment if the Exchange believes it is necessary and appropriate to help protect the safety and welfare of the trading community and did not make a virtual trading floor available. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest as it will allow the temporary rules to continue with minimal interruption, thereby avoiding investor confusion that could result from an interruption in the effectiveness of the rules. Accordingly, the Commission hereby waives the operative delay and designates the proposed rule change operative upon filing.[17]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2021–004 on the subject line.

Paper Comments

- Send paper comments in triplicate to: Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2021–004. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2021–004 and should be submitted on or before February 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01942 Filed 1–28–21; 8:45 am]

BILLING CODE 8011–01–P

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[15] 17 CFR 240.19b–4(f)(6).

[16] 17 CFR 240.19b–4(f)(6)(iii).

[17] For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[18] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90981; File No. SR–PEARL–2021–01]

Self-Regulatory Organizations; MIAX PEARL, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the MIAX PEARL Options Fee Schedule for Member and Non-Member Monthly Network Connectivity Fees

January 25, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 13, 2021, MIAX PEARL, LLC (''MIAX PEARL'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX PEARL Fee Schedule (the ''Fee Schedule'') for the Exchange's options market.[3]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Commission notes that the Exchange initially filed the proposed Fee Schedule amendment on December 31, 2020 (SR–PEARL–

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings/pearl* at MIAX PEARL's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to increase the Exchange's network connectivity fees for its 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connection for Members [4] and non-Members (the ''Proposed Access Fees'').

The Exchange currently offers various bandwidth alternatives for connectivity to the Exchange, to its primary and secondary facilities, consisting of a 1Gb fiber connection, a 10Gb fiber connection, and a 10Gb ULL fiber connection. The 10Gb ULL offering uses an ultra-low latency switch, which provides faster processing of messages sent to it in comparison to the switch used for the other types of connectivity. The Exchange currently assesses the following monthly network connectivity fees to both Members and non-Members for connectivity to the Exchange's primary/secondary facility: (a) $1,400 for the 1Gb connection; (b) $6,100 for the 10Gb connection; and (c) $9,300 for the 10Gb ULL connection.

The Exchange's MIAX Express Network Interconnect (''MENI'') can be configured to provide Members and non-Members of the Exchange network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of both the Exchange and its affiliate, Miami International Securities Exchange, LLC (''MIAX''), via a single, shared connection. Members and non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems and disaster recovery facilities of the Exchange and MIAX via a single, shared connection are assessed only one monthly network connectivity fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection. The Exchange now proposes to increase the monthly network connectivity fees for its 10Gb ULL connections for both Members and non-Members from $9,300 to $10,000 per connection.

* * * * *

The Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the requirements of the Act that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. The Exchange believes this high standard is especially important when an exchange imposes various access fees for market participants to access an exchange's marketplace. The Exchange deems connectivity fees to be access fees. The Exchange believes that it is important to demonstrate that these fees are based on its costs and reasonable business needs. Accordingly, the Exchange believes the Proposed Access Fees will allow the Exchange to offset expense the Exchange has and will incur, and that the Exchange is providing sufficient transparency (as described below) into how the Exchange determined to charge such fees. Accordingly, the Exchange is providing an analysis of its revenues, costs, and profitability for the Proposed Access Fees. This analysis includes information regarding its methodology for determining the costs and revenues associated with the Proposed Access Fees.

In order to determine the Exchange's costs associated with providing the Proposed Access Fees, the Exchange conducted an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the services included in the Proposed Access Fees. The sum of all such portions of expenses represents the total cost of the Exchange to provide the Proposed Access Fees. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the total cost to the Exchange to provide the Proposed Access Fees.

In order to determine the Exchange's projected revenues associated with providing the Proposed Access Fees, the Exchange analyzed the number of Members and non-Members currently utilizing the Exchange's services associated with the Proposed Access Fees during 2020, and, utilizing a recently completed monthly billing cycle, extrapolated annualized revenue on a going-forward basis. The Exchange is presenting its revenue and expense associated with the Proposed Access Fees in this filing in a manner that is consistent with how the Exchange presents its revenue and expense in its Audited Unconsolidated Financial Statements. The Exchange's most recent Audited Unconsolidated Financial Statement is for 2019. However, since the revenue and expense associated with the Proposed Access Fees were not in place in 2019 (or 2020), the Exchange believes its 2019 Audited Unconsolidated Financial Statement is not useful for analyzing the reasonableness of the total annual revenue and costs associated with the Proposed Access Fees. Accordingly, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2020 (actual for the first 11 months and projected for the final 1 month) revenue and costs, as described herein, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements. Based on this analysis, the Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit when comparing the Exchange's total annual expense associated with providing the services associated with the Proposed Access Fees versus the total projected annual revenue the Exchange will collect for providing those services.

* * * * *

On March 29, 2019, the Commission issued its Order Disapproving Proposed Rule Changes to Amend the Fee

2020–39). On January 13, 2021, the Exchange withdrew that filing and submitted this filing.

[4] The term ''Member'' means an individual or organization that is registered with the Exchange pursuant to Chapter II of these Rules for purposes of trading on the Exchange as an ''Electronic Exchange Member'' or ''Market Maker.'' Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

Schedule on the BOX Market LLC Options Facility to Establish BOX Connectivity Fees for Participants and Non-Participants Who Connect to the BOX Network (the ''BOX Order'').[5] On May 21, 2019, the Commission issued the Staff Guidance on SRO Rule Filings Relating to Fees.[6]

The Exchange believes that the Proposed Access Fees are consistent with the Act because they (i) are reasonable, equitably allocated, not unfairly discriminatory, and not an undue burden on competition; (ii) comply with the BOX Order and the Guidance; (iii) are supported by evidence (including data and analysis), constrained by significant competitive forces; and (iv) are supported by specific information (including quantitative information), fair and reasonable because they will permit recovery of the Exchange's costs (less than all) and will not result in excessive pricing or supra-competitive profit. Accordingly, the Exchange believes that the Commission should find that the Proposed Access Fees are consistent with the Act.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(4) of the Act[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Exchange Members and issuers and other persons using any facility or system which the Exchange operates or controls. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act[9] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

For November 2020, the Exchange had only a 3.39% market share of the U.S. options industry.[10] The Exchange is not aware of any evidence that a market share of approximately 3–4% provides the Exchange with anti-competitive pricing power. If the Exchange were to attempt to establish unreasonable pricing, then no market participant would join or connect, and existing market participants would disconnect.

Separately, the Exchange is not aware of any reason why market participants could not simply drop their connections and cease being Members of the Exchange if the Exchange were to establish unreasonable and uncompetitive price increases for its connectivity alternatives. Market participants choose to connect to a particular exchange and because it is a choice, the Exchange must set reasonable connectivity pricing, otherwise prospective members would not connect and existing members would disconnect or connect through a third-party reseller of connectivity. No options market participant is required by rule, regulation, or competitive forces to be a Member of the Exchange. As evidence of the fact that market participants can and do disconnect from exchanges based on connectivity pricing, R2G Services LLC (''R2G'') filed a comment letter after BOX's proposed rule changes to increase its connectivity fees (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).[11] The R2G Letter stated, ''[w]hen BOX instituted a $10,000/month price increase for connectivity; we had no choice but to terminate connectivity into them as well as terminate our market data relationship. The cost benefit analysis just didn't make any sense for us at those new levels.'' Accordingly, this example shows that if an exchange sets too high of a fee for connectivity and/or market data services for its relevant marketplace, market participants can choose to disconnect from the exchange.

The Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act because the Proposed Access Fees will not result in excessive or supra-competitive profit. The costs associated with providing access to Exchange Members and non-Members, as well as the general expansion of a state-of-the-art infrastructure, are extensive, have increased year-over-year, and are projected to increase year-over-year in the future.

The Exchange believes the proposed increase to the 10Gb ULL connection is an equitable allocation of reasonable fees because 10Gb ULL purchasers: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high touch network support services provided by the Exchange and its staff, including more costly network monitoring, reporting and support services, resulting in a much higher cost to the Exchange.

The Exchange believes that the proposed increase to the 10Gb ULL fees are equitably allocated among users of the network connectivity alternatives, as the users of the 10Gb ULL connections consume the most bandwidth and resources of the network. Specifically, the Exchange notes that these users account for approximately greater than 99% of message traffic over the network, while the users of the 1Gb connections account for approximately less than 1% of message traffic over the network. In the Exchange's experience, users of the 1Gb connections do not have a business need for the high performance network solutions required by 10Gb ULL users. The Exchange's high performance network solutions and supporting infrastructure (including employee support), provides unparalleled system throughput with the network ability to support access to several distinct options markets and the capacity to handle approximately 38 million quote messages per second. On an average day, the Exchange and MIAX handle over approximately 8,304,500,000 billion total messages. Of that total, users of the 10Gb ULL connections generate approximately 8.3 billion messages, and users of the 1Gb connections generate approximately 4.5 million messages. However, in order to achieve a consistent, premium network performance, the Exchange must build out and maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers. These billions of messages per day consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. Given this difference in network utilization rate, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory that the 10Gb ULL users pay for the vast majority of the shared network resources from which all Member and non-Member users benefit, but is designed and maintained from a capacity standpoint to specifically handle the message rate and performance requirements of 10Gb and 10Gb ULL users.

[5] *See* Securities Exchange Act Release No. 85459 (March 29, 2019), 84 FR 13363 (April 4, 2019) (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).

[6] *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees* (the ''Guidance'').

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

[9] 15 U.S.C. 78f(b)(5).

[10] *See* The Options Clearing Corporation (''OCC'') publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/market-data/volume/default.jsp.*

[11] *See* Letter from Stefano Durdic, R2G, to Vanessa Countryman, Acting Secretary, Commission, dated March 27, 2019 (the ''R2G Letter'').

The Exchange also believes that the connectivity fees are equitably allocated amongst users of the network connectivity alternatives, when these fees are viewed in the context of the overall trading volume on the Exchange. To illustrate, the purchasers of the 10Gb ULL connectivity account for approximately 94% of the volume on the Exchange for the month of November 2020. This overall volume percentage (94% of total Exchange volume) is in line with the amount of network connectivity revenue collected from 10Gb ULL purchasers (98% of total Exchange connectivity revenue). For example, utilizing the same recently completed billing cycle described above, Exchange Members and non-Members that purchased 10Gb ULL connections accounted for approximately 87% of the total network connectivity revenue collected by the Exchange from all connectivity alternatives; and Members and non-Members that purchased 1Gb and 10Gb connections accounted for approximately 13% of the revenue collected by the Exchange from all connectivity alternatives.

The Exchange further believes that the fees are equitably allocated, as the amount of the fees for the various connectivity alternatives are directly related to the actual costs associated with providing the respective connectivity alternatives. That is, the cost to the Exchange of providing a 1Gb network connection is significantly lower than the cost to the Exchange of providing a 10Gb or 10Gb ULL network connection. Pursuant to its extensive cost review described above, the Exchange believes that the average cost to provide a 10Gb ULL network connection is approximately 8 times more than the average cost to provide a 1Gb connection. The simple hardware and software component costs alone of a 10Gb ULL connection is not 8 times more than the 1Gb connection. Rather, it is the associated premium-product level network monitoring, reporting, and support services costs that accompany a 10Gb ULL connection which causes it to be 8 times more costly to provide than the 1Gb connection. Accordingly, the Exchange believes it is equitable to allocate those network infrastructure costs that accompany a 10Gb ULL connection to the purchasers of those connections, and not to purchasers of 1Gb connections.

As discussed above, the Exchange differentiates itself by offering a ''premium-product'' network experience, as an operator of a high performance, ultra-low latency network with unparalleled system throughput, which network can support access to three distinct options markets and multiple competing market-makers having affirmative obligations to continuously quote over 750,000 distinct trading products (per exchange), and the capacity to handle approximately 10.7 million quote messages per second. The ''premium-product'' network experience enables users of 10Gb and 10Gb ULL connections to receive the network monitoring and reporting services for those approximately 750,000 distinct trading products. There is a significant, quantifiable amount of research and development (''R&D'') effort, employee compensation and benefits expense, and other expense associated with providing the high touch network monitoring and reporting services that are utilized by the 10Gb and 10Gb ULL connections offered by the Exchange. These value add services are fully-discussed herein, and the actual costs associated with providing these services are the basis for the differentiated amount of the fees for the various connectivity alternatives.

In order to provide more detail and to quantify the Exchange's costs associated with providing access to the Exchange in general, the Exchange notes that there are material costs associated with providing the infrastructure and headcount to fully-support access to the Exchange. The Exchange incurs technology expense related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with its network technology. While some of the expense is fixed, much of the expense is not fixed, and thus increases as the services associated with the Proposed Access Fees increase. For example, new 10Gb ULL connections require the purchase of additional hardware to support those connections as well as enhanced monitoring and reporting of customer performance that MIAX PEARL and its affiliates provide. Further, as the total number of all connections increase, MIAX PEARL and its affiliates need to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, the cost to MIAX PEARL and its affiliates is not fixed. The Exchange believes the Proposed Access Fees are reasonable in order to offset the costs to the Exchange associated with providing access to its network infrastructure.

Further, because the costs of operating its own data center are significant and not economically feasible for the Exchange at this time, the Exchange does not operate its own data centers, and instead contracts with a third-party data center provider. The Exchange notes that other competing exchange operators own/operate their data centers, which offers them greater control over their data center costs. Because those exchanges own and operate their data centers as profit centers, the Exchange is subject to additional costs. The Proposed Access Fees, which are charged for accessing the Exchange's data center network infrastructure, are directly related to the network and offset such costs.

The Exchange invests significant resources in network R&D to improve the overall performance and stability of its network. For example, the Exchange has a number of network monitoring tools (some of which were developed in-house, and some of which are licensed from third-parties), that continually monitor, detect, and report network performance, many of which serve as significant value-adds to the Exchange's Members and enable the Exchange to provide a high level of customer service. These tools detect and report performance issues, and thus enable the Exchange to proactively notify a Member (and the SIPs) when the Exchange detects a problem with a Member's connectivity. In fact, the Exchange often receives inquiries from other industry participants regarding the status of networking issues outside of the Exchange's own network environment that are impacting the industry as a whole via the SIPs, including inquiries from regulators, because the Exchange has a superior, state-of the-art network that, through its enhanced monitoring and reporting solutions, often detects and identifies industry-wide networking issues ahead of the SIPs. The Exchange also incurs costs associated with the maintenance and improvement of existing tools and the development of new tools.

Additionally, certain Exchange-developed network aggregation and monitoring tools provide the Exchange with the ability to measure network traffic with a much more granular level of variability. This is important as Exchange Members demand a higher level of network determinism and the ability to measure variability in terms of single digit nanoseconds. Also, routine R&D projects to improve the performance of the network's hardware infrastructure result in additional cost. In sum, the costs associated with maintaining and enhancing a state-of-the-art exchange network in the U.S. options industry is a significant expense

for the Exchange that also increases year-over-year, and thus the Exchange believes that it is reasonable to offset those costs through the Proposed Access Fees. The Exchange invests in and offers a superior network infrastructure as part of its overall options exchange services offering, resulting in significant costs associated with maintaining this network infrastructure, which are directly tied to the amount of the Proposed Access Fees that must be charged to access it, in order to recover those costs.

For the avoidance of doubt, none of the expenses included herein relating to the services associated with the Proposed Access Fees also relate to the provision of any other services offered by the Exchange. Stated differently, no expense amount of the Exchange is allocated twice. The Exchange notes that it made certain representations in a previous filing [12] regarding its expense allocation for the provision of additional limited service ports. The Exchange represents that none of the expenses allocated to the provision of additional limited service ports are also allocated to the services associated with the Proposed Access Fees—that is, there is no overlap of any such expenses that are included in the costs associated with services the Exchange provides for the Proposed Access Fees and for the services the Exchange provides for ports. Lastly, the Exchange notes that, with respect to the MIAX PEARL expenses included herein, those expenses only cover the MIAX PEARL options market; expenses associated with the MIAX PEARL equities market are accounted for separately and are not included within the scope of this filing.

The Exchange only has four primary sources of revenue: Transaction fees, access fees (which includes the Proposed Access Fees), regulatory fees, and market data fees. Accordingly, the Exchange must cover all of its expenses from these four primary sources of revenue.

The Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense of MIAX PEARL and MIAX associated with providing these services versus the total projected annual revenue for both exchanges from these services. For 2020, the total annual expense for providing network connectivity services (that is, the shared network connectivity of MIAX PEARL and MIAX, but excluding MIAX Emerald) is projected to be approximately $17.9 million. The $17.9 million in projected total annual expense is comprised of the following, all of which are directly related to the services associated with the Proposed Access Fees for MIAX PEARL and MIAX: (1) Third-party expense, relating to fees paid by MIAX PEARL and MIAX to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of MIAX PEARL and MIAX to provide the services associated with the Proposed Access Fees. As noted above, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2020 (actual for the first 11 months and projected for the final 1 month) revenue and costs, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements.[13] The $17.9 million in projected total annual expense is directly related to the services associated with providing network connectivity services, and not any other product or service offered by the Exchange. It does not include general costs of operating matching systems and other trading technology, and no expense amount was allocated twice. As discussed, the Exchange conducted an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger (this includes over 150 separate and distinct expense items) to determine whether each such expense relates to the services associated with the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to those services. The sum of all such portions of expenses represents the total cost to the Exchange to provide the services associated with the Proposed Access Fees.

For 2020, total third-party expense, relating to fees paid by MIAX PEARL and MIAX to third-parties for certain products and services for the Exchange to be able to provide network connectivity services, is projected to be $4,079,910. This includes, but is not limited to, a portion of the fees paid to: (1) Equinix, for data center services, for the primary, secondary, and disaster recovery locations of the MIAX PEARL and MIAX trading system infrastructure; (2) Zayo Group Holdings, Inc. (''Zayo'') for connectivity services (fiber and bandwidth connectivity) linking MIAX PEARL and MIAX office locations in Princeton, NJ and Miami, FL to all data center locations; (3) Secure Financial Transaction Infrastructure (''SFTI''),[14] which supports connectivity and feeds for the entire U.S. options industry; (4) various other services providers (including Thompson Reuters, NYSE, Nasdaq, and Internap), which provide content, connectivity services, and infrastructure services for critical components of options connectivity; and (5) various other hardware and software providers (including Dell and Cisco, which support the production environment in which Members and non-Members connect to the network to trade, receive market data, etc.).

For clarity, only a portion of all fees paid to such third-parties is included in the third-party expense herein, and no expense amount is allocated twice. Accordingly, MIAX PEARL and MIAX do not allocate their entire information technology and communication costs to the services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such third-party expense described above towards the total cost to the Exchange to provide the services associated with the Proposed Access Fees. In particular, the Exchange believes it is reasonable to allocate the identified portion of the Equinix expense because Equinix operates the data centers (primary, secondary, and disaster recovery) that host the Exchange's network infrastructure. This includes, among other things, the necessary storage space, which continues to expand and increase in cost, power to operate the network infrastructure, and cooling apparatuses to ensure the Exchange's network infrastructure maintains stability.

[12] *See* Securities Exchange Act Release No. 90812 (December 29, 2020) (SR–PEARL–2020–35).

[13] For example, the Exchange previously noted that all third-party expense described in its prior fee filing was contained in the information technology and communication costs line item under the section titled ''Operating Expenses Incurred Directly or Allocated From Parent,'' in the Exchange's 2019 Form 1 Amendment containing its financial statements for 2018. See Securities Exchange Act Release No. 87876 (December 31, 2019), 85 FR 757 (January 7, 2020) (SR–PEARL–2019–36). Accordingly, the third-party expense described in this filing is attributed to the same line item for the Exchange's 2020 Form 1 Amendment, which will be filed in 2021.

[14] In fact, on October 22, 2019, the Exchange was notified by SFTI that it is again raising its fees charged to the Exchange by approximately 11%, without having to show that such fee change complies with the Act by being reasonable, equitably allocated, and not unfairly discriminatory. It is unfathomable to the Exchange that, given the critical nature of the infrastructure services provided by SFTI, that its fees are not required to be rule-filed with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively.

Without these services from Equinix, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the Equinix expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 68% of the total Equinix expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange believes it is reasonable to allocate the identified portion of the Zayo expense because Zayo provides the internet, fiber and bandwidth connections with respect to the network, linking MIAX PEARL with its affiliates, MIAX and MIAX Emerald, as well as the data center and disaster recovery locations. As such, all of the trade data, including the billions of messages each day per exchange, flow through Zayo's infrastructure over the Exchange's network. Without these services from Zayo, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the Zayo expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 62% of the total Zayo expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange believes it is reasonable to allocate the identified portion of the SFTI expense and various other service providers' (including Thompson Reuters, NYSE, Nasdaq, and Internap) expense because those entities provide connectivity and feeds for the entire U.S. options industry as well as the content, connectivity services, and infrastructure services for critical components of the network. Without these services from SFTI and various other service providers, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the SFTI and other service providers' expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 89% of the total SFTI and other service providers' expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange believes it is reasonable to allocate the identified portion of the other hardware and software provider expense because this includes costs for dedicated hardware licenses for switches and servers, as well as dedicated software licenses for security monitoring and reporting across the network. Without this hardware and software, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the hardware and software provider expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 54% of the total hardware and software provider expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

For 2020, total projected internal expense, relating to the internal costs of MIAX PEARL and MIAX to provide network connectivity services, is projected to be $13,831,434. This includes, but is not limited to, costs associated with: (1) Employee compensation and benefits for full-time employees that support the services associated with the Proposed Access Fees, including staff in network operations, trading operations, development, system operations, business, as well as staff in general corporate departments (such as legal, regulatory, and finance) that support those employees and functions; (2) depreciation and amortization of hardware and software used to provide the services associated with the Proposed Access Fees, including equipment, servers, cabling, purchased software and internally developed software used in the production environment to support the network for trading; and (3) occupancy costs for leased office space for staff that provide the services associated with the Proposed Access Fees. The breakdown of these costs is more fully-described below. For clarity, only a portion of all such internal expenses are included in the internal expense herein, and no expense amount is allocated twice. Accordingly, the Exchange and MIAX do not allocate their entire costs contained in those items to the services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such internal expense described above towards the total cost to the Exchange to provide the services associated with the Proposed Access Fee. In particular, MIAX PEARL's and MIAX's combined employee compensation and benefits expense relating to providing network connectivity services is projected to be approximately $6,892,689, which is only a portion of the $9,727,857 (for MIAX PEARL) and $11,811,796 (for MIAX) total projected expense for employee compensation and benefits. The Exchange believes it is reasonable to allocate the identified portion of such expense because this includes the time spent by employees of several departments, including Technology, Back Office, Systems Operations, Networking, Business Strategy Development (who create the business requirement documents that the Technology staff use to develop network features and enhancements), Trade Operations, Finance (who provide billing and accounting services relating to the network), and Legal (who provide legal services relating to the network, such as rule filings and various license agreements and other contracts). As part of the extensive cost review conducted by the Exchange, the Exchange reviewed the amount of time spent by each employee on matters relating to the provision of services associated with the Proposed Access Fees. Without these employees, the Exchange would not be able to operate and support the network and provide network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the employee compensation and benefits expense toward the cost of providing network connectivity services, only the portions which the Exchange identified

as being specifically mapped to providing network connectivity services, approximately 32% of the total employee compensation and benefits expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

MIAX PEARL's and MIAX's combined depreciation and amortization expense relating to providing network connectivity services is projected to be $6,378,337, which is only a portion of the $3,342,621 (for MIAX PEARL) and $5,276,753 (for MIAX) total projected expense for depreciation and amortization. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network and provide the services associated with the Proposed Access Fees. Without this equipment, the Exchange would not be able to operate the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing network connectivity services, only the portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 74% of the total depreciation and amortization expense, as these services would not be possible without relying on such equipment. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

MIAX PEARL's and MIAX's combined occupancy expense relating to providing network connectivity services is projected to be $560,408, which is only a portion of the $528,425 (for MIAX PEARL) and $615,264 (for MIAX) total projected expense for occupancy. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense represents the portion of the Exchange's cost to rent and maintain a physical location for the Exchange's staff who operate and support the network, including providing the services associated with the Proposed Access Fees. This amount consists primarily of rent for the Exchange's Princeton, NJ office, as well as various related costs, such as physical security, property management fees, property taxes, and utilities. The Exchange operates its Network Operations Center (''NOC'') and Security Operations Center (''SOC'') from its Princeton, New Jersey office location. A centralized office space is required to house the staff that operates and supports the network. The Exchange currently has approximately 150 employees. Approximately two-thirds of the Exchange's staff are in the Technology department, and the majority of those staff have some role in the operation and performance of the services associated with the Proposed Access Fees. Without this office space, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. Accordingly, the Exchange believes it is reasonable to allocate the identified portion of its occupancy expense because such amount represents the Exchange's actual cost to house the equipment and personnel who operate and support the Exchange's network infrastructure and the services associated with the Proposed Access Fees. The Exchange did not allocate all of the occupancy expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing the services associated with the Proposed Access Fees, approximately 49% of the total occupancy expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange's monthly projected revenue for the Proposed Access Fees is based on MIAX PEARL and MIAX Members and non-Members purchasing 140 10Gb ULL connections, based on a recent billing cycle. Accordingly, based on current assumptions and approximations, the Exchange and MIAX PEARL project total combined monthly revenue from 10Gb ULL connections of approximately $1,400,000.[15]

On a going-forward, fully-annualized basis, the Exchange and MIAX project that their annualized revenue for providing the services associated with the Proposed Access Fees to be approximately $16.8 million per annum, based on a most recently completed billing cycle. The Exchange and MIAX project that their annualized revenue for providing network connectivity services (all connectivity alternatives) to be approximately $19.4 million per annum.[16] The Exchange and MIAX project that their annualized expense for providing network connectivity services (all connectivity alternatives) to be approximately $17.9 million per annum. Accordingly, on a fully-annualized basis, the Exchange believes its total projected revenue for the providing network connectivity services (all additional connectivity alternatives) will not result in excessive pricing or supra-competitive profit, as the Exchange will make only an 8% profit margin on network connectivity services ($19.4 million − $17.9 million = $1.5 million per annum). Additionally, this profit margin does not take into account the cost of capital expenditures (''CapEX'') the Exchange and MIAX are projected to spend in each year on CapEx going forward.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to allocate the respective percentages of each expense category described above towards the total cost to the Exchange of operating and supporting the network, including providing the services associated with the Proposed Access Fees because the Exchange performed a line-by-line item analysis of all the expenses of the Exchange, and has determined the expenses that directly relate to operation and support of the network. Further, the Exchange notes that, without the specific third-party and internal items listed above, the Exchange would not be able to operate and support the network, including providing the services associated with the Proposed Access Fees to its Members and non-Members and their customers. Each of these expense items, including physical hardware, software, employee compensation and benefits, occupancy costs, and the depreciation and amortization of equipment, have been identified through a line-by-line item analysis to be integral to the operation and support of the network. The Proposed Access Fees are intended to recover the Exchange's costs of operating and supporting the network. Accordingly, the Exchange believes that the Proposed Access Fee increases are fair and reasonable because they do not

[15] The Exchange also projects an additional $215,000 in monthly revenue through non-10Gb ULL connections, however the Exchange is not proposing to adjust the fees for those connections at this time.

[16] *See id.*

result in excessive pricing or supra-competitive profit, when comparing the actual network operation and support costs to the Exchange versus the projected annual revenue from the Proposed Access Fees, including the increased amount.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. In particular, the Exchange has received no official complaints from Members, non-Members (extranets and service bureaus), third-parties that purchase the Exchange's connectivity and resell it, and customers of those resellers, that the Exchange's fees or the Proposed Access Fees are negatively impacting or would negatively impact their abilities to compete with other market participants or that they are placed at a disadvantage.

The Exchange believes that the Proposed Access Fees do not place certain market participants at a relative disadvantage to other market participants because the connectivity pricing is associated with relative usage of the various market participants and does not impose a barrier to entry to smaller participants. As described above, the less expensive 1Gb direct connection is generally purchased by market participants that utilize less bandwidth. The market participants that purchase 10Gb ULL direct connections utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the Proposed Access Fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the Proposed Access Fees reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange.

Inter-Market Competition

The Exchange believes the Proposed Access Fees do not place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, options market participants are not forced to connect to (and purchase market data from) all options exchanges. Not only does MIAX PEARL have less than half the number of members as certain other options exchanges, but there are also a number of the Exchange's Members that do not connect directly to MIAX PEARL or MIAX. There are a number of large market makers and broker-dealers that are members of other options exchange but not Members of MIAX PEARL or MIAX. Additionally, other exchanges have similar connectivity alternatives for their participants, including similar low-latency connectivity, but with much higher rates to connect. The Exchange is also unaware of any assertion that its existing fee levels or the Proposed Access Fees would somehow unduly impair its competition with other options exchanges. To the contrary, if the fees charged are deemed too high by market participants, they can simply disconnect.

While the Exchange recognizes the distinction between connecting to an exchange and trading at the exchange, the Exchange notes that it operates in a highly competitive options market in which market participants can readily connect and trade with venues they desire. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. The Exchange believes that the proposed changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[17] and Rule 19b–4(f)(2)[18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–PEARL–2021–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–PEARL–2021–01. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–PEARL–2021–01 and

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

should be submitted on or before February 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01940 Filed 1–28–21; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90985; File No. 4–523]

Program for Allocation of Regulatory Responsibilities Pursuant To Rule 17d–2; Notice of Filing and Order Approving and Declaring Effective an Amended Plan for the Allocation of Regulatory Responsibilities Between the Financial Industry Regulatory Authority, Inc. and NYSE Arca, Inc.

January 25, 2021.

Notice is hereby given that the Securities and Exchange Commission (''Commission'') has issued an Order, pursuant to Section 17(d) of the Securities Exchange Act of 1934 (''Act''),[1] approving and declaring effective an amendment to the plan for allocating regulatory responsibility (''Plan'') filed on December 18, 2020, pursuant to Rule 17d–2 of the Act,[2] by the Financial Industry Regulatory Authority, Inc. (''FINRA'') and NYSE Arca, Inc. (''NYSE Arca'') (collectively, ''Participating Organizations'' or ''parties''). This agreement amends and restates the agreement entered into between the parties on February 9, 2007, entitled ''Agreement Between the National Association of Securities Dealers, Inc. and NYSE Arca, Inc. Pursuant to SEA Rule 17d–2 Under the Securities Exchange Act of 1934,'' and any subsequent amendments thereafter.

I. Introduction

Section 19(g)(1) of the Act,[3] among other things, requires every self-regulatory organization (''SRO'') registered as either a national securities exchange or national securities association to examine for, and enforce compliance by, its members and persons associated with its members with the Act, the rules and regulations thereunder, and the SRO's own rules, unless the SRO is relieved of this responsibility pursuant to Section 17(d)[4] or Section 19(g)(2)[5] of the Act. Without this relief, the statutory obligation of each individual SRO could result in a pattern of multiple examinations of broker-dealers that maintain memberships in more than one SRO (''common members''). Such regulatory duplication would add unnecessary expenses for common members and their SROs.

Section 17(d)(1) of the Act[6] was intended, in part, to eliminate unnecessary multiple examinations and regulatory duplication.[7] With respect to a common member, Section 17(d)(1) authorizes the Commission, by rule or order, to relieve an SRO of the responsibility to receive regulatory reports, to examine for and enforce compliance with applicable statutes, rules, and regulations, or to perform other specified regulatory functions.

To implement Section 17(d)(1), the Commission adopted two rules: Rule 17d–1 and Rule 17d–2 under the Act.[8] Rule 17d–1 authorizes the Commission to name a single SRO as the designated examining authority (''DEA'') to examine common members for compliance with the financial responsibility requirements imposed by the Act, or by Commission or SRO rules.[9] When an SRO has been named as a common member's DEA, all other SROs to which the common member belongs are relieved of the responsibility to examine the firm for compliance with the applicable financial responsibility rules. On its face, Rule 17d–1 deals only with an SRO's obligations to enforce member compliance with financial responsibility requirements. Rule 17d–1 does not relieve an SRO from its obligation to examine a common member for compliance with its own rules and provisions of the federal securities laws governing matters other than financial responsibility, including sales practices and trading activities and practices.

To address regulatory duplication in these and other areas, the Commission adopted Rule 17d–2 under the Act.[10] Rule 17d–2 permits SROs to propose joint plans for the allocation of regulatory responsibilities with respect to their common members. Under paragraph (c) of Rule 17d–2, the Commission may declare such a plan effective if, after providing for appropriate notice and opportunity for comment, it determines that the plan is necessary or appropriate in the public interest and for the protection of investors, to foster cooperation and coordination among the SROs, to remove impediments to, and foster the development of, a national market system and a national clearance and settlement system, and is in conformity with the factors set forth in Section 17(d) of the Act. Commission approval of a plan filed pursuant to Rule 17d–2 relieves an SRO of those regulatory responsibilities allocated by the plan to another SRO.

II. The Plan

On August 31, 2006, the Commission declared effective the Plan entered into between FINRA and NYSE Arca for allocating regulatory responsibility pursuant to Rule 17d–2.[11] On March 22, 2007, the Commission approved an amendment to the Plan that (1) eliminated paragraph 11 of the Plan that allocated to FINRA the responsibility to receive and act upon requests for extension of time pursuant to Federal Reserve Regulation T and Rule 15c3–3 under the Act, and (2) changed from ''monthly'' to ''upon request'' the obligation of FINRA to share information with NYSE Arca regarding notice of changes in allied members, partners, officers, registered personnel and other persons, and the opening, address change, and termination of main and branch offices and the names of branch office managers.[12]

The Plan is intended to reduce regulatory duplication for firms that are common members of FINRA and NYSE Arca by allocating regulatory responsibility with respect to certain applicable laws, rules, and regulations that are common among them. Included in the Plan is an exhibit that lists every NYSE Arca rule for which FINRA bears responsibility under the Plan for overseeing and enforcing with respect to NYSE Arca members that are also members of FINRA and the associated persons therewith (''Certification'').

III. Proposed Amendment to the Plan

On December 18, 2020, the parties submitted a proposed amendment to the Plan (''Amended Plan''). The primary purpose of the Amended Plan is to

[19] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78q(d).

[2] 17 CFR 240.17d–2.

[3] 15 U.S.C. 78s(g)(1).

[4] 15 U.S.C. 78q(d).

[5] 15 U.S.C. 78s(g)(2).

[6] 15 U.S.C. 78q(d)(1).

[7] *See* Securities Act Amendments of 1975, Report of the Senate Committee on Banking, Housing, and Urban Affairs to Accompany S. 249, S. Rep. No. 94–75, 94th Cong., 1st Session 32 (1975).

[8] 17 CFR 240.17d–1 and 17 CFR 240.17d–2, respectively.

[9] *See* Securities Exchange Act Release No. 12352 (April 20, 1976), 41 FR 18808 (May 7, 1976).

[10] *See* Securities Exchange Act Release No. 12935 (October 28, 1976), 41 FR 49091 (November 8, 1976).

[11] *See* Securities Exchange Act Release No. 54394 (August 31, 2006), 71 FR 52827 (September 7, 2006).

[12] *See* Securities Exchange Act Release No. 55505 (March 22, 2007), 72 FR 14628 (March 28, 2007).

remove Regulation SHO from the Certification. The text of the proposed Amended Plan, which replaces and supersedes the current Plan in its entirety, is as follows:

* * * * *

AGREEMENT BETWEEN FINANCIAL INDUSTRY REGULATORY AUTHORITY, INC. AND NYSE ARCA, INC. PURSUANT TO RULE 17d–2 UNDER THE SECURITIES EXCHANGE ACT OF 1934

This Agreement, by and between Financial Industry Regulatory Authority, Inc. (''FINRA'') and the NYSE Arca, Inc. (''NYSE Arca''), is made this 17th day of December, 2020 (the ''Agreement''), pursuant to Section 17(d) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''SEA'') and Rule 17d–2 thereunder which permits agreements between self–regulatory organizations to allocate regulatory responsibility to eliminate regulatory duplication. FINRA and NYSE Arca may be referred to individually as a ''party'' and together as the ''parties.''

This Agreement amends and restates the agreement entered into between the parties on February 9, 2007, entitled ''Agreement Between the National Association of Securities Dealers, Inc. and NYSE Arca, Inc. Pursuant to SEA Rule 17d–2 Under the Securities Exchange Act of 1934,'' and any subsequent amendments thereafter.

Whereas, FINRA and NYSE Arca desire to reduce duplication in the examination of their Dual Members (as defined herein) and in the filing and processing of certain registration and membership records; and

Whereas, FINRA and NYSE Arca desire to execute an agreement covering such subjects pursuant to the provisions of Rule 17d–2 under the Exchange Act and to file such agreement with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') for its approval.

Now, therefore, in consideration of the mutual covenants contained hereinafter, FINRA and NYSE Arca hereby agree as follows:

1. *Definitions.* Unless otherwise defined in this Agreement or the context otherwise requires, the terms used in this Agreement shall have the same meaning as they have under the Exchange Act and the rules and regulations thereunder. As used in this Agreement, the following terms shall have the following meanings:

(a) ''*NYSE Arca Rules*'' or ''*FINRA Rules*'' shall mean: (i) The rules of the NYSE Arca, or (ii) the rules of FINRA, respectively, as the rules of an exchange or association are defined in Exchange Act Section 3(a)(27).

(b) ''*Common Rules*'' shall mean the NYSE Arca Rules that are substantially similar to the applicable FINRA Rules and certain provisions of the Exchange Act and SEA rules set forth on *Exhibit 1* in that examination for compliance with such rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of such provisions or rule, or a Dual Member's activity, conduct, or output in relation to such rule; provided, however, Common Rules shall not include the application of SEA, NYSE Arca or FINRA rules as they pertain to violations of insider trading activities, which is covered by a separate 17d–2 Agreement by and among the Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange, Inc., Bats Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., MEMX, LLC, MIAX Pearl, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., Investors Exchange LLC and Long-Term Stock Exchange, Inc., approved by the SEC on September 23, 2020, as may be amended from time to time. Common Rules shall not include provisions regarding (i) notice, reporting or any other filings made directly to or from NYSE Arca, (ii) incorporation by reference of other NYSE Arca Rules that are not Common Rules, (iii) exercise of discretion in a manner that differs from FINRA's exercise of discretion, including, but not limited to exercise of exemptive authority, by NYSE Arca, (iv) prior written approval of NYSE Arca, and (v) payment of fees or fines to NYSE Arca.

(c) ''*Dual Members*'' shall mean those NYSE Arca members that are also members of FINRA and the associated persons therewith.

(d) ''*Effective Date*'' shall be the date this Agreement is approved by the Commission.

(e) ''*Enforcement Responsibilities*'' shall mean the conduct of appropriate proceedings, in accordance with the FINRA Code of Procedure (the Rule 9000 Series) and other applicable FINRA procedural rules, to determine whether violations of Common Rules have occurred, and if such violations are deemed to have occurred, the imposition of appropriate sanctions as specified under the FINRA Code of Procedure and sanctions guidelines.

(f) ''*Regulatory Responsibilities*'' shall mean the examination responsibilities and Enforcement Responsibilities relating to compliance by the Dual Members with the Common Rules and the provisions of the Exchange Act and the rules and regulations thereunder, and other applicable laws, rules and regulations, each as set forth on *Exhibit 1* attached hereto.

2. Regulatory and Enforcement Responsibilities. FINRA shall assume Regulatory Responsibilities and Enforcement Responsibilities for Dual Members. Attached as *Exhibit 1* to this Agreement and made part hereof, NYSE Arca furnished FINRA with a current list of Common Rules and certified to FINRA that such rules are substantially similar to the corresponding FINRA Rule (the ''Certification''). FINRA hereby agrees that the rules listed in the Certification are Common Rules as defined in this Agreement. Each year following the Effective Date of this Agreement, or more frequently if required by changes in either the rules of NYSE Arca or FINRA, NYSE Arca shall submit an updated list of Common Rules to FINRA for review which shall add NYSE Arca Rules not included in the current list of Common Rules that qualify as Common Rules as defined in this Agreement; delete NYSE Arca Rules included in the current list of Common Rules that no longer qualify as Common Rules as defined in this Agreement; and confirm that the remaining rules on the current list of Common Rules continue to be NYSE Arca Rules that qualify as Common Rules as defined in this Agreement. Within 30 days of receipt of such updated list, FINRA shall confirm in writing whether the rules listed in any updated list are Common Rules as defined in this Agreement. Notwithstanding anything herein to the contrary, it is explicitly understood that the term ''Regulatory Responsibilities'' does not include, and NYSE Arca shall retain full responsibility for (unless otherwise addressed by separate agreement or rule) the following (collectively, the ''Retained Responsibilities''):

(a) Surveillance, examination, investigation and enforcement with respect to trading activities or practices involving NYSE Arca's own marketplace;

(b) registration pursuant to its applicable rules of associated persons (*i.e.,* registration rules that are not Common Rules);

(c) discharge of its duties and obligations as a Designated Examining Authority pursuant to Rule 17d–1 under the Exchange Act, if applicable; and

(d) any NYSE Arca Rules that are not Common Rules except for NYSE Arca Rules for any NYSE Arca affiliate that is a member that operates as a facility (as defined in Section 3(a)(2) of the Exchange Act), acts as a router for NYSE Arca and is a member of FINRA (''Router Member'') as provided in paragraph 6. As of the date of this Agreement, Archipelago Securities LLC is the only Router Member.

3. Dual Members. Prior to the Effective Date, NYSE Arca shall furnish FINRA with a current list of Dual Members, which shall be updated no less frequently than once each quarter.

4. No Charge. There shall be no charge to NYSE Arca by FINRA for performing the Regulatory Responsibilities and Enforcement Responsibilities under this Agreement except as hereinafter provided. FINRA shall provide NYSE Arca with ninety (90) days advance written notice in the event FINRA decides to impose any charges to NYSE Arca for performing the Regulatory Responsibilities under this Agreement. If FINRA determines to impose a charge, NYSE Arca shall have the right at the time of the imposition of such charge to terminate this Agreement; provided, however, that FINRA's Regulatory Responsibilities under this Agreement shall continue until the Commission approves the termination of this Agreement.

5. Applicability of Certain Laws, Rules, Regulations or Orders. Notwithstanding any provision hereof, this Agreement shall be subject to any statute, or any rule or order of the Commission. To the extent such statute, rule or order is inconsistent with one or more provisions of this Agreement, the statute, rule or order shall supersede the provision(s) hereof to the extent necessary to be properly effectuated and the provision(s) hereof in that respect shall be null and void.

6. Notification of Violations.

(a) In the event that FINRA becomes aware of apparent violations of any NYSE Arca Rules, which are not listed as Common Rules, discovered pursuant to the performance of the Regulatory Responsibilities assumed hereunder, FINRA shall notify NYSE Arca of those apparent violations for such response as NYSE Arca deems appropriate. With respect to apparent violations of any NYSE Arca Rules by any Router Member, FINRA shall not make referrals to NYSE Arca pursuant to this paragraph 6. Such apparent violations shall be processed by, and enforcement proceedings in respect thereto will be conducted by, FINRA as provided in this agreement.

(b) In the event that NYSE Arca becomes aware of apparent violations of any Common Rules, discovered pursuant to the performance of the Retained Responsibilities, NYSE Arca shall notify FINRA of those apparent violations and such matters shall be handled by FINRA as provided in this Agreement.

(c) Apparent violations of Common Rules shall be processed by, and enforcement proceedings in respect thereto shall be conducted by FINRA as provided hereinbefore; provided, however, that in the event a Dual Member is the subject of an investigation relating to a transaction on the NYSE Arca, NYSE Arca may in its discretion assume concurrent jurisdiction and responsibility.

(d) Each party agrees to make available promptly all files, records and witnesses necessary to assist the other in its investigation or proceedings.

7. Continued Assistance.

(a) FINRA shall make available to NYSE Arca all information obtained by FINRA in the performance by it of the Regulatory Responsibilities hereunder with respect to the Dual Members subject to this Agreement. In particular, and not in limitation of the foregoing, FINRA shall furnish NYSE Arca any information it obtains about Dual Members which reflects adversely on their financial condition. NYSE Arca shall make available to FINRA any information coming to its attention that reflects adversely on the financial condition of Dual Members or indicates possible violations of applicable laws, rules or regulations by such firms.

(b) The parties agree that documents or information shared shall be held in confidence, and used only for the purposes of carrying out their respective regulatory obligations. Neither party shall assert regulatory or other privileges as against the other with respect to documents or information that is required to be shared pursuant to this Agreement.

(c) The sharing of documents or information between the parties pursuant to this Agreement shall not be deemed a waiver as against third parties of regulatory or other privileges relating to the discovery of documents or information.

8. Statutory Disqualifications. When FINRA becomes aware of a statutory disqualification as defined in the Exchange Act with respect to a Dual Member, FINRA shall determine pursuant to Sections 15A(g) and/or Section 6(c) of the Exchange Act the acceptability or continued applicability of the person to whom such disqualification applies and keep NYSE Arca advised of its actions in this regard for such subsequent proceedings as NYSE Arca may initiate.

9. Customer Complaints. NYSE Arca shall forward to FINRA copies of all customer complaints involving Dual Members received by NYSE Arca relating to FINRA's Regulatory Responsibilities under this Agreement. It shall be FINRA's responsibility to review and take appropriate action in respect to such complaints.

10. Advertising. FINRA shall assume responsibility to review the advertising of Dual Members subject to the Agreement, provided that such material is filed with FINRA in accordance with FINRA's filing procedures and is accompanied with any applicable filing fees set forth in FINRA Rules.

11. No Restrictions on Regulatory Action. Nothing contained in this Agreement shall restrict or in any way encumber the right of either party to conduct its own independent or concurrent investigation, examination or enforcement proceeding of or against Dual Members, as either party, in its sole discretion, shall deem appropriate or necessary.

12. Termination. This Agreement may be terminated by NYSE Arca or FINRA at any time upon the approval of the Commission after one (1) year's written notice to the other party, except as provided in paragraph 4.

13. Arbitration. In the event of a dispute between the parties as to the operation of this Agreement, NYSE Arca and FINRA hereby agree that any such dispute shall be settled by arbitration in Washington, DC in accordance with the rules of the American Arbitration Association then in effect, or such other procedures as the parties may mutually agree upon. Judgment on the award rendered by the arbitrator(s) may be entered in any court having jurisdiction. Each party acknowledges that the timely and complete performance of its obligations pursuant to this Agreement is critical to the business and operations of the other party. In the event of a dispute between the parties, the parties shall continue to perform their respective obligations under this Agreement in good faith during the resolution of such dispute unless and until this Agreement is terminated in accordance with its provisions. Nothing in this Section 13 shall interfere with a party's right to terminate this Agreement as set forth herein.

14. Notification of Members. NYSE Arca and FINRA shall notify Dual Members of this Agreement after the Effective Date by means of a uniform joint notice.

15. Amendment. This Agreement may be amended in writing duly approved by each party. All such amendments must be filed with and approved by the Commission before they become effective.

16. Limitation of Liability. Neither FINRA nor NYSE Arca nor any of their respective directors, governors, officers or employees shall be liable to the other party to this Agreement for any liability, loss or damage resulting from or claimed to have resulted from any delays, inaccuracies, errors or omissions with respect to the provision of Regulatory Responsibilities as provided hereby or for the failure to provide any such responsibility, except with respect to such liability, loss or damages as shall have been suffered by one or the other of FINRA or NYSE Arca and caused by the willful misconduct of the other party or their respective directors, governors, officers or employees. No warranties, express or implied, are made by FINRA or NYSE Arca with respect to any of the responsibilities to be performed by each of them hereunder.

17. Relief from Responsibility. Pursuant to Sections 17(d)(1)(A) and 19(g) of the Exchange Act and Rule 17d–2 thereunder, FINRA and NYSE Arca join in requesting the Commission, upon its approval of this Agreement or any part thereof, to relieve NYSE Arca of any and all responsibilities with respect to matters allocated to FINRA pursuant to this Agreement; provided, however, that this Agreement shall not be effective until the Effective Date.

18. Severability. Any term or provision of this Agreement that is invalid or unenforceable in any jurisdiction shall, as to such jurisdiction, be ineffective to the extent of such invalidity or unenforceability without rendering invalid or unenforceable the remaining terms and provisions of this Agreement or affecting the validity or enforceability of any of the terms or provisions of this Agreement in any other jurisdiction.

19. Counterparts. This Agreement may be executed in one or more counterparts, each of which shall be deemed an original, and such counterparts together shall constitute one and the same instrument.

20. Separate Agreement. This Agreement is wholly separate from (1) the multiparty Agreement made pursuant to Rule 17d–2 of the Securities Exchange Act of 1934 between the NYSE American LLC, Cboe BZX Exchange, Inc., the Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Nasdaq ISE, LLC, Financial Industry Regulatory Authority, Inc., NYSE Arca, Inc., The NASDAQ Stock Market LLC, BOX Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, Miami International Securities Exchange, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, MIAX PEARL, LLC, and MIAX Emerald, LLC involving the allocation of regulatory responsibilities with respect to common members for compliance with common rules relating to the conduct by broker-dealers of accounts for listed options or index warrants entered into on February 12, 2019, and as may be amended from time to time or (2) the multiparty Agreement made pursuant to Rule 17d–2 of the Exchange Act among NYSE American LLC, Cboe BZX Exchange, Inc., the Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Nasdaq ISE, LLC, Financial Industry Regulatory Authority, Inc., NYSE Arca, Inc., The NASDAQ Stock Market LLC, BOX Exchange LLC, NASDAQ BX, Inc., NASDAQ PHLX LLC, Miami International Securities Exchange, LLC, Nasdaq GEMX, LLC, Nasdaq MRX, LLC, MIAX PEARL, LLC, and MIAX Emerald, LLC approved by the Commission on February 11, 2019 involving options–related market surveillance matters and such agreements as may be amended from time to time.

* * * * *

Exhibit 1

NYSE ARCA Certification

NYSE Arca Rules Certification for 17d–2 Agreement With FINRA

NYSE Arca, Inc. hereby certifies that the requirements contained in the rules listed below are identical to, or substantially similar to the comparable FINRA Rules and bylaws identified (''Common Rules'').

Common Rules shall not include provisions regarding (i) notice, reporting or any other filings made directly to or from NYSE Arca, (ii) incorporation by reference of other NYSE Arca Rules that are not Common Rules (iii) exercise of discretion in a manner than differs from FINRA's exercise of discretion including, but not limited to exercise of exemptive authority, by NYSE Arca, (iv) prior written approval of NYSE Arca, and (v) payment of fees or fines to NYSE Arca.

NYSE Arca Rule(s) [1]	FINRA Rule(s)
2.16 Responsibilities of Non-Resident Firms #	FINRA Rule 1021 Foreign Members.
2.1210 Registration Requirements #	FINRA Rule 1210 Registration Requirements.
2.1220 Registration Categories [2] #	FINRA Rule 1220(a)(1)–(4), (7), (8), (10), and (b)(1), (2) and (4), SM. 01–.06 Registration Categories.
2.1230 Associated Persons Exempt from Registration	FINRA Rule 1230(a) and SM. 01, Associated Persons Exempt from Registration.
2.28 Books and Records #	FINRA Rule 4511 General Requirements.*
11.1(b) Adherence to Law and Good Business Practice	FINRA Rule 2010 Standards of Commercial Honor and Principals of Trade.*
11.2 Prohibited Acts #	FINRA Rule 2010 Standards of Commercial Honor and Principals of Trade,* FINRA Rule 1122 Filing of Misleading Information as to Membership or Registration, and FINRA By-Laws Article XIII, Section 1.
11.10 Excessive Trading	FINRA Rule 6140(c) Other Trading Practices.
11.13 Disciplinary Action By Other Organizations #	FINRA Rule 4530(a)(1)(A), (a)(1)(C), (a)(1)(D) & (2) Reporting Requirements and FINRA By-Laws Article V, Section 2.
11.18 Supervision # [3]	FINRA Rule 3110(a), (b)(1) and (f) Supervision,* and FINRA Rule 1220(a)(1)–(4), (7), (8), (10) Registration Categories.
11.19 Anti-Money Laundering Compliance Program #	FINRA Rule 3310 Anti-Money Laundering Compliance Program.
11.20 Miscellaneous Provisions(a)(1) and (3)	FINRA Rule 6140 Other Trading Practices.

NYSE Arca Equities Rule(s) [4]	FINRA Rule(s)
2.24 Registration-Employees of ETP Holders and Commentary .02 # [5].	FINRA Rule 1210 Registration Requirements, FINRA Rule 1010(a) and (c) Electronic Filing Requirements for Uniform Forms, and FINRA By-Laws Article V, Sec. 2 Application for Registration.

NYSE Arca Equities Rule(s)[4]	FINRA Rule(s)
2.24(b), (c), and Commentary .03 and .05 Registration-Employees of ETP Holders #.	FINRA Rule 1210 and SM .03, .07 and .08 Registration Requirements, and FINRA Rule 1240 Continuing Education Requirements, and FINRA Rule 1230(a) Associated Persons Exempt from Registration.
2.24(d) and Commentary .04 Continuing Education and 9.27–E(c) Continuing Education Requirements.	FINRA Rule 1240 Continuing Education Requirements.
2.24(i) Registration-Employees of ETP Holders	FINRA Rule 1010(e) Electronic Filing Requirements for Uniform Forms and FINRA By-Laws Article V, Section 3 Notification by Member to the Corporation and Associated Person of Termination; Amendments to Notification.
2.24(j) Registration-Employees of ETP Holders	FINRA By-Laws Article V, Section 2 Application for Registration.
5.2–E(h) Unit Investment Trusts (“UITs”) Commentary .03 #	FINRA Rule 3260(c) Discretionary Accounts.
7.3–E(b) and (c) Commissions	FINRA Rule 2232 Customer Confirmations and SEA 10b–10.
9.1–E(a) Register with the Exchange #	FINRA Rule 3110(a)(3) Supervisory System, SM .01 Registration of Main Office, and SM .02 Designation of Additional OSJs, and FINRA By-Laws Article IV, Sec. 1(c) Application for Membership.
9.1–E(c) Office Supervision #	FINRA Rule 3110(a) Supervision.*
9.1–E(d) ETP Holder shall at all times #	FINRA Rule 3110(a) Supervison.*
9.1–E(e)(2) and (3) Guarantees	FINRA Rule 2150(b) Improper use of Customers’ Securities or Funds; Prohibitions Against Guarantees and Sharing in Accounts.
9.2–E(a) Diligence As To Accounts	FINRA Rule 2090 Know Your Customer.[6]
9.2–E(a)(2) and (3) Diligence As To Accounts	FINRA Rule 2111 Suitability.
9.2–E(b)(1) and (4) Account Supervision	FINRA Rule 3110 Supervision and FINRA Rule 4511.*
9.2–E(c) Customer Records	FINRA Rule 4512 Customer Account Information.*[7]
9.3–E(a) Employee Accounts	FINRA Rule 3210 Accounts at Other Broker-Dealers and Financial Institutions.[8]
9.3–E(b) ETP Holder Accounts	FINRA Rule 3210 Accounts at Other Broker-Dealers and Financial Institutions.
9.4–E Proxies Voting	FINRA Rule 2251(b) Processing and Forwarding of Proxies and Other Issuer-Related Materials.
9.5–E Solicitation Expense	FINRA Rule 2251(c) Processing and Forwarding of Proxies and Other Issuer-Related Materials.
9.6–E(a) Discretion as to Customers’ Accounts and 9.6–E(b) Records of Discretionary Accounts.	FINRA Rule 3260 Discretionary Accounts and FINRA Rule 4512(a)(3) Customer Account Information.*
9.6–E(c) Marking Discretionary Orders	FINRA Rule 3260 Discretionary Accounts.
9.7–E(b) Use of Customer Securities	FINRA Rule 2150(a) Improper use of Customers’ Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts, and FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade.
9.7–E(c) Customer Protection—Reserves and Custody of Securities.	FINRA 4330(b)(1)(A) Customer Protection—Permissible Use of Customers’ Securities and SM .01 Definitions.
9.7–E(d) Agreements for Use of Customer Securities	FINRA 4330(a)Customer Protection—Permissible Use of Customers’ Securities.
9.11–E Confirmations	Temporary Dual FINRA NYSE Member Rule 409T(b) Statements of Accounts to Customer.[9]
9.12–E COD Orders—Partial Delivery	FINRA Rule 11860 COD Orders.
9.14–E Account Designation	FINRA Rule 4515 Approval and Documentation of Changes in Account Name or Designation.
9.15–E Statements of Account to Customers	FINRA Rule 2231 Customer Account Statements.
9.16–O Statement or Notice on Interest	FINRA Rule 2360(b)(15) Options, FINRA Rule 2231(a) Customer Account Statements.
9.18–E(h) Doing a Public Business in Options	FINRA Rule 2360(b)(13) Options.
9.19–E Transfer of Accounts	FINRA Rule 11870 Customer Account Transfer Contracts.
9.20–E(b) Telemarketing	FINRA Rule 3230 Telemarketing.
9.27–E(a) and (b) Registration of Representatives #	FINRA Rule 1220 Registration Categories, FINRA Rule 1240 Continuing Education Requirements, FINRA Rule 1010(d) Electronic Filing Requirements for Uniform Forms, and FINRA By-Laws Article V Registered Representatives and Associated Persons.
9.29–E Borrowing From or Lending to Customers	FINRA Rule 3240 Borrowing From or Lending to Customers.
11.22 Trading Ahead of Research Reports	FINRA Rule 5280 Trading Ahead of Research Reports.
9.2010–E Standards of Commercial Honor and Principles of Trade.	FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade.*
9.2020–E Use of Manipulative, Deceptive or Other Fraudulent Devices.	FINRA Rule 2020 Use of Manipulative, Deceptive or Other Fraudulent Devices.*
9.2150–E Improper Use of Customers’ Securities or Funds’ Prohibition Against Guarantees and Sharing in Accounts.	FINRA Rule 2150 Improper Use of Customers’ Securities or Funds; Prohibition Against Guarantees and Sharing in Accounts.
9.2262–E Disclosure of Control Relationship with Issuer	FINRA Rule 2262 Disclosure of Control Relationship with Issuer.
9.2269–E Disclosure of Participation or Interest in Primary or Secondary Distribution.	FINRA Rule 2269 Disclosure of Participation or Interest in Primary or Secondary Distribution.
9.3220–E Influencing or Rewarding Employees of Others	FINRA Rule 3220 Influencing or Rewarding Employees of Others.
9.3270–E Outside Business Activities of Registered Persons	FINRA Rule 3270 Outside Business Activities of Registered Persons.
9.5320–E Prohibition Against trading Ahead of Customer Orders.	FINRA Rule 5320 Prohibition Against Trading Ahead of Customer Orders.
9.5190–E Notification Requirements for Offering Participants #	FINRA Rule 5190 Notification Requirements for Offering Participants.[10]
9.5210–E Publication of Transactions and Quotations	FINRA Rule 5210 Publication of Transactions and Quotations.
6.7410–E Definitions	FINRA Rule 7410 Definitions.
6.7420–E Applicability	FINRA Rule 7420 Applicability.
6.7430–E Synchronization of ETP Holder Business Clock #	FINRA Rule 4590 Synchronization of Member Business Clocks.

NYSE Arca Equities Rule(s)[4]	FINRA Rule(s)
6.7440–E Recording of Order Information	FINRA Rule 7440 Recording of Order Information.
6.7450–E Order Data Transmission Requirements	FINRA Rule 7450 Order Data Transmission Requirements.
6.7460–E Violation of Order Audit Trail System Rules	FINRA Rule 7460 Violation of Order Audit Trail System Rules.
6.7470–E Exemption to the Order Recording and Data Transmission Requirements #.	FINRA Rule 7470 Exemption to the Order Recording and Data Transmission Requirements.
NYSE Arca Options Rule(s)[11]	**FINRA Rule(s)**
2.23(a) Registration—OTPs #	FINRA Rule 1210 Registration Requirements, FINRA Rule 1010(a) and (c) Electronic Filing Requirements for Uniform Forms, and FINRA By-Laws Article V, Sec. 2 Application for Registration.
2.23(b)(1) and (3) Registration #	FINRA Rule 1210 and SM .03 and .07 Registration Requirements, and FINRA Rule 1220(a)(2), (7) and (b)(2) Registration Categories.
2.23(c) and .04 Registration	FINRA Rule 1210 SM .03 and .08 Registration Requirements.
2.23(d) and .03 Registration and 9.27–O(c) Continuing Education Requirements.	FINRA Rule 1240 Continuing Education Requirements.
2.23(j) Registration	FINRA By-Laws Article V, Section 2 Application for Registration.
9.1–O(c) Office Supervision #	FINRA Rule 3110(a) Supervision.*
9.1–O(d) OTP Holders #	FINRA Rule 3110(a) Supervision.*
9.2–O(c) Customer Records	FINRA Rule 4512 Customer Account Information.[12]
9.3–O(a) Employee Accounts	FINRA Rule 3210 Accounts at Other Broker-Dealers and Financial Institutions.[10]
9.3–O(b) OTP Firms, OTP Holder Accounts	FINRA Rule 3210 Accounts at Other Broker-Dealers and Financial Institutions.
9.4–O Proxies Voting	FINRA Rule 2251(b) Forward of Proxies and Other Issuer-Related Materials.
9.5–O Solicitation Expense	FINRA Rule 2251(c)(1)(b) Forward of Proxies and Other Issuer-Related Materials.
9.6–O(a) Discretion as to Customers' Accounts and 9.6–O(b) Records of Discretionary Accounts.	FINRA Rule 3260 Discretionary Accounts and FINRA Rule 4512(a)(3) Customer Account Information.*
9.6–O(c) Marking Discretionary Orders	FINRA Rule 3260 Discretionary Accounts.
9.7–O(b) Use Customer Securities	FINRA Rule 2150(a) Improper Use of Customers' Securities or Funds Prohibition and FINRA Rule 2010 Standards of Commercial Honor and Principles of Trade.
9.7–O(c) Customer Protection—Reserves and Customer's Securities.	FINRA Rule 4330(b)(1)(A) Customer Protection—Permissible Use of Customers' Securities and SM .01 Definitions.
9.7–O(d) Agreements for Use of Customer Securities	FINRA Rule 4330(a) Customer Protection—Permissible Use of Customers' Securities.
9.11–O Confirmations	Temporary Dual FINRA NYSE Member Rule 409T(b) Statements of Accounts to Customers.[11]
9.12–O COD Orders—Partial Delivery	FINRA Rule 11860 COD Orders.
9.14–O Account Designation	FINRA Rule 4515 Approval and Documentation of Changes in Account Name or Designation.
9.15–O Statements of Accounts to Customers #	FINRA Rule 2231 Customer Account Statements.
9.16–O Statement or Notice on Interest	FINRA Rule 2360(b)(15) Options, FINRA Rule 2231(a) Customer Account Statements.
9.18–O(h) Doing a Public Business in Options	FINRA Rule 2360(b)(13) Options.
9.19–O Transfer of Accounts	FINRA Rule 11870 Customer Account Transfer Contracts.
9.20–O(b) Telemarketing	FINRA Rule 3230 Telemarketing.
9.29–O Borrowing From or Lending to Customers	FINRA Rule 3240 Borrowing From or Lending to Customers.

[1] The rules in this section apply to ETP Holders, OTP Holders and OTP Firms, where applicable.

[2] FINRA shall not have Regulatory Responsibilities for Rule 2.1220(a)(4)(B) to the extent FINRA exempts a member from the requirement to have a Financial and Operations Principal.

[3] FINRA shall not have Regulatory Responsibilities regarding NYSE Arca Rule 11.18(d).

[4] The rules in this section apply specifically to ETP Holders.

[5] This Certification only applies to the first two sentences of Rule 2.24, which are not enumerated, and Commentary .02. Certifications to other parts of Rule 2.24 appear elsewhere in this Exhibit.

[6] FINRA's requirements do not include an exercise of due diligence as to every order.

[7] FINRA shall not have Regulatory Responsibilities for NYSE Arca Rule 9.2–E(c) Commentary .01–.03 as it relates to institutional accounts and responsibility for such rule shall remain with NYSE Arca.

[8] FINRA shall not have any Regulatory Responsibilities with respect to employees of NYSE Arca.

[9] FINRA shall only have Regulatory Responsibilities to the extent the Common Member is subject to FINRA's Temporary Dual FINRA–NYSE Member Rule.

[10] FINRA shall not have Regulatory Responsibilities for NYSE Arca Rule 5190–E(e).

[11] The rules in this section apply specifically to OTP Holders.

[12] FINRA shall not have Regulatory Responsibilities for NYSE Arca Rule 9.2–O(c) Commentary .01–.03 as it relates to institutional accounts and responsibility for such rule shall remain with NYSE Arca.

* FINRA shall not have any Regulatory Responsibilities for these rules as they pertain to violations insider trading activities, which is covered by a separate 17d–2 Agreement by and among Cboe BZX Exchange, Inc., Cboe BYX Exchange, Inc., NYSE Chicago, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Financial Industry Regulatory Authority, Inc., MEMX LLC, MIAX Pearl, LLC, Nasdaq BX, Inc., Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, NYSE National, Inc., New York Stock Exchange LLC, NYSE American LLC, NYSE Arca Inc., Investors' Exchange LLC and Long-Term Stock Exchange, Inc. effective September 23, 2020, as may be amended from time to time.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number 4–523 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number 4–523. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed plan that are filed with the Commission, and all written communications relating to the proposed plan between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the plan also will be available for inspection and copying at the principal offices of FINRA and NYSE Arca. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number 4–523 and should be submitted on or before February 19, 2021.

V. Discussion

The Commission finds that the proposed Amended Plan is consistent with the factors set forth in Section 17(d) of the Act [13] and Rule 17d–2(c) thereunder [14] in that the proposed Amended Plan is necessary or appropriate in the public interest and for the protection of investors, fosters cooperation and coordination among SROs, and removes impediments to and fosters the development of the national market system. In particular, the Commission believes that the proposed Amended Plan should reduce unnecessary regulatory duplication by allocating to FINRA certain examination and enforcement responsibilities for Common Members that would otherwise be performed by both FINRA and NYSE Arca. Accordingly, the proposed Amended Plan promotes efficiency by reducing costs to Common Members. Furthermore, because NYSE Arca and FINRA will coordinate their regulatory functions in accordance with the Amended Plan, the Amended Plan should promote investor protection.

The Commission notes that, under the Amended Plan, NYSE Arca and FINRA have allocated regulatory responsibility for those NYSE Arca rules, set forth in the Certification, that are substantially similar to the applicable FINRA rules in that examination for compliance with such provisions and rules would not require FINRA to develop one or more new examination standards, modules, procedures, or criteria in order to analyze the application of the rule, or a Common Member's activity, conduct, or output in relation to such rule. In addition, under the Amended Plan, FINRA would assume regulatory responsibility for certain provisions of the federal securities laws and the rules and regulations thereunder that are set forth in the Certification. The Common Rules covered by the Amended Plan are specifically listed in the Certification, as may be amended by the Parties from time to time.

According to the Amended Plan, NYSE Arca will review the Certification at least annually, or more frequently if required by changes in either the rules of NYSE Arca or FINRA, and, if necessary, submit to FINRA an updated list of Common Rules to add NYSE Arca rules not included on the then-current list of Common Rules that are substantially similar to FINRA rules; delete NYSE Arca rules included in the then-current list of Common Rules that no longer qualify as common rules; and confirm that the remaining rules on the list of Common Rules continue to be NYSE Arca rules that qualify as common rules.[15] FINRA will then confirm in writing whether the rules listed in any updated list are Common Rules as defined in the Amended Plan. Under the Amended Plan, NYSE Arca also will provide FINRA with a current list of Common Members and will update the list no less frequently than once each quarter.[16] The Commission believes that these provisions are designed to provide for continuing communication between the Parties to ensure the continued accuracy of the scope of the proposed allocation of regulatory responsibility.

The Commission is hereby declaring effective an Amended Plan that, among other things, allocates regulatory responsibility to FINRA for the oversight and enforcement of all NYSE Arca rules that are substantially similar to the rules of FINRA for Common Members of NYSE Arca and FINRA. Therefore, modifications to the Certification need not be filed with the Commission as an amendment to the Amended Plan, provided that the Parties are only adding to, deleting from, or confirming changes to NYSE Arca rules in the Certification in conformance with the definition of Common Rules provided in the Amended Plan. However, should the Parties decide to add a NYSE Arca rule to the Certification that is not substantially similar to a FINRA rule; delete a NYSE Arca rule from the Certification that is substantially similar to a FINRA rule; or leave on the Certification a NYSE Arca rule that is no longer substantially similar to a FINRA rule, then such a change would constitute an amendment to the Amended Plan, which must be filed with the Commission pursuant to Rule 17d–2 under the Act.[17]

Under paragraph (c) of Rule 17d–2, the Commission may, after appropriate notice and comment, declare a plan, or any part of a plan, effective. In this instance, the Commission believes that appropriate notice and comment can take place after the proposed amendment is effective. The primary purpose of the amendment is to remove Regulation SHO from the Certification. The Commission notes that the prior version of this plan immediately prior to this proposed amendment was published for comment and the Commission did not receive any comments thereon.[18] Furthermore, the Commission does not believe that the amendment to the plan raises any new

[13] 15 U.S.C. 78q(d).

[14] 17 CFR 240.17d–2(c).

[15] *See* paragraph 2 of the Amended Plan.

[16] *See* paragraph 3 of the Amended Plan.

[17] The addition to or deletion from the Certification of any federal securities laws, rules, and regulations for which FINRA would bear responsibility under the Amended Plan for examining, and enforcing compliance by, Common Members, also would constitute an amendment to the Amended Plan.

[18] *See supra* note 12 (citing to Securities Exchange Act Release No. 55505).

regulatory issues that the Commission has not previously considered.

VI. Conclusion

This order gives effect to the Amended Plan filed with the Commission in File No. 4–523. The Parties shall notify all members affected by the Amended Plan of their rights and obligations under the Amended Plan.

It is therefore ordered, pursuant to Section 17(d) of the Act, that the Amended Plan in File No. 4–523, between the FINRA and NYSE Arca, filed pursuant to Rule 17d–2 under the Act, hereby is approved and declared effective.

It is further ordered that NYSE Arca is relieved of those responsibilities allocated to FINRA under the Amended Plan in File No. 4–523.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01941 Filed 1–28–21; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(34).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90987; File No. SR–BOX–2020–16]

Self-Regulatory Organizations; BOX Exchange LLC; Order Disapproving Proposed Rule Change, as Modified by Amendment No. 1, in Connection With the Proposed Establishment of the Boston Security Token Exchange LLC as a Facility of the Exchange

January 25, 2021.

I. Introduction

On May 12, 2020, BOX Exchange LLC (''Exchange'' or ''BOX'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Exchange Act'')[1] and Rule 19b–4 thereunder,[2] a proposed rule change in connection with the proposed commencement of operations of the Boston Security Token Exchange LLC (''BSTX'') as a facility of the Exchange. The proposed rule change was published for comment in the **Federal Register** on June 1, 2020.[3] On July 16, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.[5] On August 3, 2020, the Exchange filed Amendment No. 1 to the proposed rule change (''Amendment No. 1'').[6] On August 12, 2020, the Commission published notice of filing of Amendment No. 1, for notice and comment, and instituted proceedings to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.[7] On November 24, 2020, pursuant to Section 19(b)(2) of the Exchange Act,[8] the Commission designated a longer period within which to approve the proposed rule change, as modified by Amendment No. 1, disapprove the proposed rule change, as modified by Amendment No. 1, or institute proceedings to determine whether to disapprove the proposed rule change, as modified by Amendment No. 1.[9]

The proposed rule change is substantially similar to a proposed rule change previously filed with the Commission by the Exchange as SR–BOX–2019–37.[10] SR–BOX–2019–37 was published for comment in the **Federal Register** on January 3, 2020.[11] The Commission received comments on the substance of SR–BOX–2019–37.[12] BOX withdrew proposed rule change SR–BOX–2019–37 on May 12, 2020.[13]

This order disapproves the proposed rule change, as modified by Amendment No. 1 (''BSTX Governance Proposal''). The Exchange proposes to establish BSTX as a facility of the Exchange, as that term is defined in Section 3(a)(2) of the Exchange Act, that would operate a market for the trading of securities (''BSTX Market'') and be jointly owned and controlled by BOX Digital Markets LLC (''BOX Digital''), a Delaware limited liability company and a subsidiary of BOX Holdings Group LLC (''BOX Holdings,'' which is also the parent company of the Exchange's existing facility BOX Options Market LLC, ''BOX Options'') and tZERO Group, Inc. (''tZERO''), a Delaware limited liability company and a subsidiary of Overstock.com Inc. (''Overstock''). According to the Exchange, it is proposing the Boston Security Token Exchange LLC, Second Amended and Restated Limited Liability Company Agreement, dated as of December 24, 2019 (''BSTX LLC Agreement'')[14] as the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 88949 (May 26, 2020), 85 FR 33258 (June 1, 2020) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 89329 (July 16, 2020), 85 FR 44333 (July 22, 2020). The Commission designated August 30, 2020, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[6] In Amendment No. 1 the Exchange revised the proposal to: (1) Modify its description of the market that BSTX would operate, including what would be traded on that market; (2) clarify that it is proposing to establish BSTX as a facility of the Exchange, but that the Exchange would not commence operations of the ''BSTX Market'' (as defined below) absent trading rules approved by the Commission that are the subject of a separate filing, and that the Exchange's regulatory oversight responsibilities with respect to BSTX would not be triggered unless SR–BOX–2020–16 is approved by the Commission; (3) update a citation to a proposed rule change filed by the Exchange to provide flexibility for the Exchange to regulate multiple facilities; and (4) include a citation to a separate proposed rule change filed by the Exchange to provide trading rules for the BSTX Market. Amendment No. 1 was filed as a partial amendment. *See* Form 19b–4 for Amendment No. 1 to SR–BOX–2020–16 (''Amendment No. 1 Form 19b–4''). When the Exchange filed Amendment No. 1 to SR–BOX–2020–16, it also submitted a redline, which the Exchange states reflects the text of the partial amendment compared to the original filing, as a comment letter to the filing, and which the Commission made publicly available at *https://www.sec.gov/comments/sr-box-2020-16/srbox202016-7525322-222100.pdf.*

[7] *See* Securities Exchange Act Release No. 89537 (August 12, 2020), 85 FR 50850 (August 18, 2020) (Notice of Filing of Amendment No. 1 and Order Instituting Proceedings).

[8] 15 U.S.C. 78s(b)(2).

[9] *See* Securities Exchange Act Release No. 90513 (November 24, 2020), 85 FR 77334 (December 1, 2020). The Commission designated January 27, 2021, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change.

[10] *See* Securities Exchange Act Release No. 87868 (December 30, 2019), 85 FR 345 (January 3, 2020) (Notice of Filing of Proposed Rule Change).

[11] *See id. See also* Securities Exchange Act Release No. 88536 (April 1, 2020), 85 FR 19537 (April 7, 2020) (Order Instituting Proceedings) (instituting proceedings to determine whether to disapprove the proposed rule change). The only differences between SR–BOX–2019–37 and SR–BOX–2020–16 relate to: (1) Reclassifying ownership interests in BSTX from a single class with voting rights into two classes—one with voting rights and one without voting rights, and related changes; (2) providing an updated Second Amended and Restated LLC Agreement, dated as of December 24, 2019; (3) removing the list of BSTX LLC Members and their initial capital contributions; and (4) modifying the Second Amended and Restated LLC Agreement to reflect that a ''Membership Record'' would be maintained by the Secretary of BSTX and updated from time to time as necessary and as provided in the Second Amended and Restated LLC Agreement, which shall include the name, address, and number of units of each class of ownership interests held by each BSTX LLC Member; (5) updating certain upstream ownership information; (6) updating references to other proposed rule changes of the Exchange; and (7) the modifications made by Amendment No. 1.

[12] Comments on SR–BOX–2019–37 can be found at: *https://www.sec.gov/comments/sr-box-2019-37/srbox201937.htm.* While the Commission considered the comments received on SR–BOX–2019–37, they are not germane to the basis for disapproval and are not discussed herein.

[13] *See* Securities Exchange Act Release No. 89017 (June 4, 2020), 85 FR 35473 (June 10, 2020) (Notice of Withdrawal of a Proposed Rule Change).

[14] The proposed BSTX LLC Agreement is attached as Exhibit 5A to the Form 19b–4 for SR–BOX–2020–16 (available on the Commission's website at

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source of governance and operating authority for BSTX. Among other things, the BSTX LLC Agreement includes provisions that are designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of BSTX. As is the case with BOX Options, the Exchange would not hold an ownership interest in BSTX, but would regulate BSTX as a facility of the Exchange pursuant to a separate agreement between the Exchange and BSTX (''Facility Agreement''). The Exchange currently regulates one facility, BOX Options, and recently amended the Exchange's governing documents to provide for the flexibility to regulate additional facilities.[15]

The Exchange separately filed a proposed rule change containing proposed trading rules for BSTX that would have established the kinds of securities that would be listed and traded on BSTX, the manner of operations of the BSTX Market, and eligibility to participate on the BSTX Market (''BSTX Trading Rules Proposal'').[16] The Commission disapproved the BSTX Trading Rules Proposal on December 18, 2020.[17] As discussed in further detail below, this Order finds that, given that the trading rules for the BSTX facility were not approved, and BOX relied upon those rules in the BSTX Governance Proposal with respect to how BSTX would operate the BSTX market and the Exchange would provide regulatory oversight of BSTX, the Commission is unable to assess the scope of the Exchange's regulatory operations, and therefore cannot find that the BSTX Governance Proposal is consistent with the Exchange Act. Specifically, the BSTX Governance Proposal does not provide sufficient detail about aspects of the proposed operation of the BSTX Market and regulation of BSTX that were addressed in the BSTX Trading Rules Proposal, including: (1) The rules that would establish which securities would be eligible for trading on BSTX, which the Exchange refers to as ''BSTX Products;'' [18] (2) the rules that would govern an Exchange member's eligibility to trade on BSTX as a ''BSTX Participant'' [19] and their ongoing obligations; (3) the rules for trading on the BSTX Market; and (4) how the Exchange proposes to comply with its regulatory obligations with respect to the BSTX Market. The Commission cannot, therefore, find that the BSTX Governance Proposal is consistent with the Exchange Act, and in particular Section 6(b)(1) of the Exchange Act.[20]

II. Description of the Proposed Rule Change and Exchange's Representations

As described in the Notice, as modified by Amendment No. 1,[21] the Exchange proposes to establish BSTX as a facility (as defined in Section 3(a)(2) of the Exchange Act) of the Exchange that will operate the BSTX Market and adopt the BSTX LLC Agreement for BSTX as a facility of the Exchange.[22] Specifically, the Exchange states that with the BSTX Governance Proposal the Exchange proposes to establish BSTX as a facility of the Exchange that ''operates a market for the trading of securities,'' which market it refers to in the proposal as the BSTX Market.[23] The Exchange also states that it submitted a separate filing to establish rules relating to trading on BSTX, and that, subject to approval of those rules by the Commission, BSTX would operate the BSTX Market.[24] The Exchange states that without Commission approval of the BSTX Trading Rules Proposal, the Exchange would not permit BSTX to commence operations of the BSTX Market.[25] Further, the Exchange states that it will not permit BSTX to commence operations of the BSTX Market, and the Exchange's regulatory oversight responsibilities with respect to BSTX would not be triggered, unless the BSTX Governance Proposal is approved by the Commission.[26]

Pursuant to the proposal, ownership interests in BSTX are represented by two classes of units (''Units''): Class A Units, which represent equal units of limited liability interest in BSTX, including an interest in the ownership and profits and losses of BSTX and the right to receive distributions from BSTX as set forth in the BSTX LLC Agreement (''Class A Units''); and Class B Units, which are generally identical to the Class A Units, except that they do not have the right to vote on any matter related to BSTX (''Class B Units'').[27] According to the Exchange, 50% of the voting Class A Units are owned by BOX Digital, which is 98% owned by BOX Holdings, and the other 50% of the voting Class A Units are owned by tZERO.[28] According to the Exchange, BOX Digital and tZERO each have over a 45% economic interest in BSTX, and the non-voting Class B Units are held by various employees and directors of BSTX, each of whom hold less than a 5% economic interest in BSTX.[29] Holders of Units are referred to as ''Members'' of BSTX (''BSTX LLC Members'').[30] The Exchange also states that BSTX is an affiliate of the Exchange and, if approved as a facility of the Exchange, will be subject to regulatory oversight by the Exchange.[31]

The Exchange states that BOX Holdings wholly owns BOX Options, which is a facility of the Exchange [32] and the only facility that the Exchange currently operates.[33] According to the Exchange, the BSTX LLC Agreement provisions are generally the same as

https://www.sec.gov/rules/sro/box/2020/34-88949-ex5a.pdf).

[15] *See* Securities Exchange Act Release Nos. 88236 (February 19, 2020), 85 FR 10765 (February 25, 2020) (Notice of Filing of Proposed Rule Change); 88934 (May 22, 2020), 85 FR 32085 (May 28, 2020) (Order Granting Approval of a Proposed Rule Change) (SR–BOX–2020–04) (''BOX–2020–04 Approval'').

[16] *See* Securities Exchange Act Release Nos. 88946 (May 26, 2020), 85 FR 33454 (June 1, 2020) (Notice of Filing of Proposed Rule Change); 89536 (August 12, 2020), 85 FR 51250 (August 19, 2020) (Notice of Filing of Amendment No. 1 and Order Instituting Proceedings) (SR–BOX–2020–14).

[17] *See* Securities Exchange Act Release No. 90735 (December 18, 2020), 85 FR 84403 (December 28, 2020) (SR–BOX–2020–14) (Order Disapproving Proposed Rule Change, as Modified by Amendment No. 1, to Adopt Rules Governing the Trading of Equity Securities on the Exchange Through a Facility of the Exchange Known as the Boston Security Token Exchange LLC) (''BSTX Trading Rules Disapproval'').

[18] *See infra* note 75 and accompanying text.

[19] *See infra* notes 39 and 52 and accompanying text.

[20] 15 U.S.C. 78f(b)(1).

[21] *See* Notice, *supra* note 3; Amendment No. 1 Form 19b–4, *supra* note 6.

[22] *See* Notice, *supra* note 3, 85 FR at 33259; Amendment No. 1 Form 19b–4, *supra* note *supra* note 6.

[23] *See* Amendment No. 1 Form 19b–4, *supra* note 6, at 4.

[24] *See id*. (citing BSTX Trading Rules Proposal, *supra* note 16). The proposed trading rules for BSTX, titled the BSTX Rulebook (''BSTX Rules''), were attached as Exhibit 5A to the 19b–4 for SR–BOX–2020–14 (available on the Commission's website at *https://www.sec.gov/rules/sro/box/2020/34-89536-ex5a.pdf*). Proposed amendments to the Exchange's existing rules to facilitate trading on BSTX were attached as Exhibit 5B to the 19b–4 for SR–BOX–2020–14 (available on the Commission's website *https://www.sec.gov/rules/sro/box/2020/34-89536-ex5b.pdf*).

[25] *See* Amendment No. 1 Form 19b–4, *supra* note 6, at 4.

[26] *See id*.

[27] *See* Notice, *supra* note 3, 85 FR at 33259, nn.10–12 and accompanying text.

[28] *See id*. at 33260. The Exchange also provides additional information about the upstream ownership of BOX Digital and tZERO. *See id*.

[29] *See id*.

[30] *See* Notice, *supra* note 3, 85 FR at 33259–60. ''Members'' are defined by the Exchange as the duly admitted holders of BSTX Units and would include any person later admitted to BSTX as an additional or substitute LLC Member as provided by the BSTX LLC Agreement. *See id.;* BSTX LLC Agreement, *supra* note 14, Section 1.1.

[31] *See* Amendment No. 1 Form 19b–4, *supra* note 6, at 4. The Exchange also states that tZERO and BSTX are affiliates of Overstock. *See* Notice, *supra* note 3, 85 FR at 33260.

[32] *See* Notice, *supra* note 3, 85 FR at 33259.

[33] *See* Amendment No. 1 Form 19b–4, *supra* note 6, at 5.

provisions of the BOX Options LLC Agreement or the BOX Holdings LLC Agreement.[34] The Exchange states that it will enter into a Facility Agreement with BSTX pursuant to which the Exchange will exercise regulatory oversight over BSTX.[35] Furthermore, the Exchange has entered into an IP License and Services Agreement (''LSA'') with tZERO,[36] under which tZERO will provide BSTX and the Exchange with a license to use its intellectual property that comprises the BSTX trading system and services related to, among other things, implementing and maintain the trading system.[37]

Pursuant to the BSTX LLC Agreement, a person that establishes an indirect ownership interest in BSTX that meets certain thresholds would be required to become a party to the BSTX LLC Agreement, by executing an amendment to the BSTX LLC Agreement, and abide by its provisions to the same extent as if they were a BSTX LLC Member.[38] The Exchange further proposes that any BSTX Participant [39] that directly or indirectly together with its Related Persons holds more than 20% of BSTX would have its voting power capped at 20%.[40]

The Exchange states that the BSTX LLC Agreement includes provisions designed to prevent any owner of BSTX from having undue influence over regulatory actions and ensure that the Exchange has full regulatory control over BSTX and these provisions.[41] These provisions, which according to the Exchange are the same provisions that are contained in the BOX Options LLC Agreement, include provisions that would require each of the BSTX LLC Members and the directors, officers, employees and agents of BSTX to give due regard to the preservation of the independence of the self-regulatory function of the Exchange and cooperate with the Exchange pursuant to its regulatory authority and with the Commission.[42] The Exchange also states that the Exchange's powers and authority under the Facility Agreement ensure that the Exchange has full regulatory control over BSTX, which is designed to prevent any owner of BSTX from exercising undue influence over the regulated activities of BSTX.[43]

The BSTX LLC Agreement provides that the Exchange shall receive notice of planned or proposed changes to BSTX, with the exception of certain changes not related to the operation of the market, or to the BSTX Market, and that such changes will require affirmative approval by the Exchange before implementation.[44] If the Exchange determines that planned or proposed changes could cause a ''Regulatory Deficiency,'' [45] the Exchange may direct BSTX, subject to Board approval, to modify the proposal as necessary.[46] Further, in the BSTX Governance Proposal the Exchange proposes how regulatory funds may be allocated and provisions regarding capital contributions and distributions.[47] The Exchange also states that it submitted a separate filing to introduce structural changes to the Exchange to accommodate regulation of BSTX as well as BOX Options, which was approved by the Commission.[48] According to the Exchange, BSTX Participants will have the same representation, rights, and responsibilities as BOX Options Participants.[49]

Additionally, as described above, the Exchange proposes that without Commission approval of the BSTX Trading Rules Proposal, it would not permit BSTX to commence operations of the BSTX Market.[50] Pursuant to the BSTX Trading Rules Proposal, the Exchange proposed to operate a fully automated, price/time priority execution system for the listing and trading of securities (''BSTX Securities'').[51] BSTX Securities would

[34] *See* Notice, *supra* note 3, 85 FR at 33259, n.8 and accompanying text.

[35] *See id.* at 33259. The Exchange will also provide certain business services to BSTX pursuant to an administrative services agreement. *See id.*

[36] *See id.* at 33261.

[37] *See id.* at 33266. The Facility Agreement, administrative services agreement, and LSA were not provided as exhibits to the proposal.

[38] *See* Notice, *supra* note 3, 85 FR at 33260, 33267; BSTX LLC Agreement, *supra* note 14, Section 7.4(g). The Exchange specifically identifies certain upstream owners that would be required to execute such an amendment. *See* Notice, *supra* note 3, 85 FR at 33260.

[39] BSTX LLC Agreement defines ''BSTX Participant'' as a firm or organization that is registered with the Exchange pursuant to Exchange rules for purposes of participating in trading on the BSTX Market as an order flow provider or market maker. *See* BSTX LLC Agreement, *supra* note 14, Section 1.1.

[40] *See* Notice, *supra* note 3, 85 FR at 33260; BSTX LLC Agreement, *supra* note 14, Section 7.4(h). According to the Exchange, this limitation is designed to prevent a market participant from exerting undue influence on an Exchange facility, and in particular is designed to minimize the ability of a BSTX Participant to improperly interfere with or restrict the ability of the Exchange to effectively carry out its regulatory oversight responsibilities under the Exchange Act. *See* Notice, *supra* note 3, 85 FR at 33260.

[41] *See e.g.,* Notice, *supra* note 3, 85 FR at 33261–62, 33268. Section 3.2(a)(i) of the proposed BSTX LLC Agreement, for example, which according to the Exchange is identical in substance to a provision in the BOX Options LLC Agreement, provides that the Exchange has authority to act as the ''SRO for BSTX Market,'' will ''provide the regulatory framework for the BSTX Market'' and will have ''regulatory responsibility for the activities of the BSTX Market.'' *See* Notice, *supra* note 3, 85 FR at 33262; BSTX LLC Agreement, *supra* note 14, Section 3.2(a)(i). It also provides that the Exchange will ''provide regulatory services to BSTX pursuant to the Facility Agreement,'' and that nothing in the LLC Agreement ''shall be construed to prevent the Exchange from allowing BSTX to perform activities that support the regulatory framework for the BSTX Market, subject to oversight by the Exchange.'' *See* Notice, *supra* note 3, 85 FR at 33262; BSTX LLC Agreement, *supra* note 14, Section 3.2(a)(i).

[42] *See* Notice, *supra* note 3, 85 FR at 33261–62; BSTX LLC Agreement, *supra* note 14, Sections 4.12(a), (c). The BSTX LLC Agreement also includes provisions, which the Exchange states are substantively similar to provisions in the BOX Options LLC Agreement, that address the handling of confidential information, both pertaining to regulatory matters and otherwise (*see* Notice, *supra* note 3, 85 FR at 33268–69; BSTX LLC Agreement, *supra* note 14, Article 15); and provisions, which the Exchange states are substantially similar to those of the BOX Options LLC Agreement, related to regulatory jurisdiction over BSTX LLC Members; the maintenance of books and records; and the independence of the self-regulatory function of the Exchange and compliance with federal securities laws. *See* Notice, *supra* note 3, 85 FR at 33269; BSTX LLC Agreement, *supra* note 14, Sections 4.12, 11.1, 18.6(a), and 18.6(c).

[43] *See* Notice, *supra* note 3, 85 FR at 33259.

[44] *See* Notice, *supra* note 3, 85 FR at 33264; BSTX LLC Agreement, *supra* note 14, Section 3.2(a)(ii).

[45] The BSTX LLC Agreement defines ''Regulatory Deficiency'' as the operation of BSTX (in connection with matters that are not Non-Market Matters) or the BSTX Market (including, but not limited to, the BSTX System) in a manner that is not consistent with the Exchange rules and/or the Commission rules governing the BSTX Market or BSTX Participants, or that otherwise impedes the Exchange's ability to regulate the BSTX Market or BSTX Participants or to fulfill its obligations under the Exchange Act as an SRO. *See* BSTX LLC Agreement, *supra* note 14, Section 1.1. ''Non-Market Matters'' means changes related solely to one or more of the following: Marketing, administrative matters, personal matters, social or team-building events, meetings of the BSTX LLC Members, communication with the BSTX LLC Members, finance, location and timing of the Board meetings, market research, real property, equipment, furnishings, personal property, intellectual property, insurance, contracts unrelated to the operation of the BSTX Market and de minimis items. *See* BSTX LLC Agreement, *supra* note 14, Section 3.2(a)(ii). *See also infra* note 51 (defining ''BSTX System'').

[46] *See* Notice, *supra* note 3, 85 FR at 33264; BSTX LLC Agreement, *supra* note 14, Section 3.2(a)(iii).

[47] *See, e.g.,* Notice, *supra* note 3, 85 FR at 33264–66; BSTX LLC Agreement, *supra* note 14, Sections 6.1, 6.2, and 8.1, and 8.2.

[48] *See* Amendment No. 1 Form 19b-4, *supra* note 6, at 5 (citing the BOX–2020–04 Approval, *see supra* note 15).

[49] *See* Notice, *supra* note 3, 85 FR at 33259.

[50] *See supra* note 25 and accompanying text.

[51] *See* BSTX Trading Rules Proposal, *supra* note 16, 85 FR 51251. The BSTX Rules would have defined the ''Securities'' that would be traded on BSTX as a facility of the Exchange as ''NMS stock, as defined in Rule 600(b)(47) of the Exchange Act, trading on the BSTX System and for which ancillary Ethereum blockchain records are maintained under [the BSTX Rules]''; and the BSTX System as the ''the automated trading system used by BSTX for the trading of Securities.'' *See* BSTX Rules, *supra* note 24, Rules 17000(a)(30) and (14), respectively. Exchange Act Rule 600(b)(47) defines ''NMS security'' as ''any security or class of securities for which transaction reports are

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be NMS stock, and members approved for trading on BSTX (*i.e.,* BSTX Participants),[52] and issuers of BSTX Securities, would be required to comply with a protocol to enable BSTX to record and publicly disseminate digital representations of end-of-day ownership balances to the Ethereum blockchain.[53] Specifically, in the BSTX Trading Rules Proposal, which the Commission disapproved,[54] the Exchange proposed:

- Rules for which securities could be listed and traded on the BSTX Market,[55] including:
- rules governing listing on BSTX, such as initial listing standards; [56]
- rules governing suspension and delisting; [57] and
- forms to be used by issuers applying to list on BSTX; [58]
- rules governing the process for and eligibility to become a BSTX Participant, as well as ongoing obligations, including:
- Rules defining BSTX Participant; [59]
- rules setting forth requirements to participation on BSTX; [60]
- agreements and forms required to become a BSTX Participant; [61] and
- rules governing business conduct, trading practice, financial responsibility for BSTX Participants; [62]
- rules for trading on the BSTX Market and access to the BSTX System; [63]
- rules for BSTX Participants and the Exchange requiring reporting of end-of-day balance information of BSTX Participants in BSTX Securities to the Exchange for recording to the Ethereum blockchain; [64] and
- rules for how the Exchange would satisfy its regulatory obligations (including by extending its existing Regulatory Services Agreement (''RSA'') with the Financial Industry Regulatory Authority (''FINRA'') to cover BSTX Participants).[65]

III. Discussion and Commission Finding

A. Applicable Standard of Review

Under Section 19(b)(2)(C) of the Exchange Act, the Commission must approve the proposed rule change of a self-regulatory organization (''SRO'') if the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the applicable rules and regulations thereunder; if it does not make such a finding, the Commission must disapprove the proposed rule change.[66] Additionally, under Rule 700(b)(3) of the Commission's Rules of Practice, the ''burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change.'' [67] The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must be sufficiently detailed and specific to support an affirmative Commission finding.[68] Any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations issued thereunder that are applicable to the SRO.[69] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.[70]

As discussed throughout, the rules for operation of the BSTX Market proposed in the BSTX Trading Rules Proposal undergird the operation and governance of BSTX as a facility of the Exchange. Those listing and trading rules, which are cited and relied upon by the Exchange in the BSTX Governance Proposal, were disapproved by the Commission and, as a result, the BSTX Governance Proposal, standing alone, does not reflect the proposed operations of the BSTX facility. Given that the rules for the BSTX facility were not approved, and BOX relied on those rules in the BSTX Governance Proposal with respect to how BSTX would operate the BSTX market and the Exchange would provide regulatory oversight of BSTX, the Commission is unable to assess the scope of the Exchange's regulatory operations, and therefore cannot find that the BSTX Governance Proposal is consistent with the Exchange Act, and in particular Section 6(b)(1). For these reasons, the Commission is unable to find that the Exchange has met its burden to show that the proposed rule change is consistent with the Exchange Act and the applicable rules and regulations thereunder, and in particular Exchange Act Section 6(b)(1), and is therefore unable to find that the proposal is consistent with the Exchange Act.[71]

B. Whether the Record Supports a Finding That the Proposal is Consistent With Section 6(b)(1) of the Exchange Act

With the BSTX Governance Proposal, the Exchange proposes to establish BSTX as a facility of the Exchange and proposes the BSTX LLC Agreement as the source of operating and governance authority for BSTX. The Exchange rules that would have governed operation of the BSTX Market, and established many

collected, processed, and made available pursuant to an effective transaction reporting plan, or an effective national market system plan for reporting transactions in listed options.'' 17 CFR 242.600(b)(47). Exchange Act Rule 600(b)(48) then defines ''NMS stock'' as ''any NMS security other than an option.'' 17 CFR 242.600(b)(48). The BSTX LLC Agreement defines ''System'' as ''the technology, know-how, software, equipment, communication lines or services, services and other deliverables or materials of any kind as may be necessary or desirable for the operation of the BSTX Market.'' *See* BSTX LLC Agreement, *supra* note 14, Section 1.1.

[52] The BSTX LLC Agreement defines ''BSTX Participant'' as ''a firm or organization that is registered with the Exchange pursuant to Exchange Rules for purposes of participating in Trading on the BSTX Market.'' *See* BSTX LLC Agreement, *supra* note 14, Section 1.1. The proposed trading rules would have defined ''BSTX Participant'' as ''a Participant or Options Participant (as defined in [Exchange] Rule 100 Series) that is authorized to trade Securities on the Exchange.'' *See* BSTX Rules, *supra* note 24, Rule 17000(a)(11).

[53] *See* BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51256, 51258–62.

[54] *See* BSTX Trading Rules Disapproval, *supra* note 17.

[55] *See* BSTX Rules, *supra* note 24, Rule 26000 Series and 27000 Series; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51277–81.

[56] *See* BSTX Rules, *supra* note 24, Rule 26000 Series; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51277–80.

[57] *See* BSTX Rules, *supra* note 24, Rule 27000 Series; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51280.

[58] *See* BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51283–85. The proposed forms for issuers to list on BSTX were attached as Exhibits 3G through 3M to the 19b–4 for SR–BOX–2020–14 (available on the Commission's website at *https://www.sec.gov/rules/sro/box.htm#SR-BOX-2020-14*).

[59] *See supra* note 52.

[60] *See* BSTX Rules, *supra* note 24, Rule 18000 Series; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51264–65.

[61] *See* BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51283. The proposed forms for issuers to list on BSTX were attached as Exhibits 3A through 3F to the 19b–4 for SR–BOX–2020–14 (available on the Commission's website at *https://www.sec.gov/rules/sro/box.htm#SR-BOX-2020-14*).

[62] *See* BSTX Rules, *supra* note 24, Rule 19000 Series, 20000 Series, and 23000 Series; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51265–68.

[63] *See* BSTX Rules, *supra* note 24, Rule 25000 Series; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51268–75.

[64] *See* BSTX Rules, *supra* note 24, Rule 17020; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51258–62.

[65] *See* BSTX Rules, *supra* note 24, Rule 22040; BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51267, 51286–87.

[66] *See* 15 U.S.C. 78s(b)(2)(C)(i).

[67] Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

[68] *See id.*

[69] *See id.*

[70] *Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 447 (D.C. Cir. 2017).

[71] Other than as discussed below, this Order makes no findings with respect to whether other aspects of the proposed rule change are consistent with the Exchange Act.

of the Exchange's obligations as an SRO with respect to BSTX as a facility of the Exchange, were the subject of a separate proposed rule change—the BSTX Trading Rules Proposal—that the Commission disapproved.[72] In the BSTX Governance Proposal, the Exchange cites the BSTX Trading Rules Proposal and states that it would not commence operations of the BSTX Market until the BSTX Trading Rules Proposal is approved by the Commission.[73] Many aspects of the BSTX Governance Proposal and many provisions of the BSTX LLC Agreement, however, are substantively relevant only in the context of the existence and operation of the BSTX Market, and in the absence of the BSTX Trading Rules Proposal, the Commission is unable to assess these provisions and determine that the Exchange would be organized and have the capacity to carry out the purposes of the Exchange Act, consistent with Section 6(b)(1) of the Exchange Act.

For example, in the BSTX LLC Agreement the Exchange defines the BSTX Market as ''the market operated by BSTX pursuant to Section 3.1 [of the BSTX LLC Agreement],'' [74] and Section 3.1 of the BSTX LLC Agreement states that the purpose of BSTX is to ''develop the System, to own and operate the BSTX Market for the Trading of BSTX Products,[75] and to engage in all related activities arising therefrom or relating thereto or necessary, desirable, advisable, convenient, or appropriate in connection therewith as the [BSTX] LLC Members may determine.'' [76] And while the BSTX LLC Agreement generally defines the terms System,[77] BSTX Market,[78] Trading,[79] and BSTX Products,[80] the BSTX Governance Proposal and the BSTX LLC Agreement do not describe the proposed operation of the BSTX Market, how trading would occur on the BSTX Market, or the products proposed to be traded on the BSTX Market. Instead, the proposed rules for, and the description of, these aspects of the proposed facility were the subject of the BSTX Trading Rules Proposal.[81]

In particular, the securities that are proposed to be traded on BSTX are described in the BSTX Governance Proposal only as ''securities,'' but are defined in the BSTX LLC Agreement as ''BSTX Products,'' which are ''security tokens'' authorized for trading on the BSTX Market. And the Exchange does not further explain BSTX Products. The BSTX Trading Rules Proposal, however, proposed rules governing what securities could be listed and traded on BSTX,[82] and explained how securities listed and traded on BSTX would be represented on the Ethereum blockchain as ''tokenized assets,'' a characteristic which would distinguish them from other NMS stocks.[83] In the absence of the BSTX Trading Rules Proposal, the BSTX Governance Proposal does not sufficiently explain what kinds of securities would be listed and traded on BSTX, including what the Exchange intends by the term ''security tokens.'' Furthermore, the Exchange states in the BSTX Governance Proposal that BSTX will be a ''facility of the Exchange that operates a market for the trading of securities'' [84] and the BSTX LLC Agreement defines the products to be traded on the facility as ''authorized for Trading on the BSTX Market.'' [85] As noted above, the Commission disapproved the rules that would have established this authority.

Similarly, the BSTX Governance Proposal does not sufficiently explain who would be a member of the Exchange that is eligible to trade on BSTX and qualify as a BSTX Participant. The BSTX LLC Agreement defines BSTX Participant as ''a firm or organization that is registered with the Exchange pursuant to Exchange Rules for purposes of participating in Trading on the BSTX Market,'' [86] and ''Exchange Rules'' as ''the rules of the Exchange that constitute the 'rules of an exchange' within the meaning of Section 3 of the Exchange Act, and that pertain to the BSTX Market.'' [87] However, the BSTX Governance Proposal does not provide the rules for and eligibility to become a BSTX Participant, as well as ongoing obligations. Those were proposed in the BSTX Trading Rules Proposal.[88] The BSTX Governance Proposal does not sufficiently establish what the ''Exchange Rules'' referred to in that proposal are, the extent of their application, and what they would require of BSTX members.

In addition, the BSTX LLC Agreement states that the Exchange will have regulatory responsibility for the activities of the BSTX Market. But the Exchange also states that it will only commence operations of the BSTX Market if the BSTX Trading Rules Proposal is approved. Additionally, as described above, the BSTX Governance Proposal does not provide information about the proposed operations of BSTX as a facility. As a result, it is not clear what the activities of the BSTX Market would be, over which the Exchange would exercise regulatory responsibility. For example, Section 3.2 of the BSTX LLC Agreement provides that the Exchange will (a) act as the Commission approved SRO for the BSTX Market, (b) have regulatory responsibility for the activities of the BSTX Market, and (c) provide regulatory services to BSTX pursuant to the Facility Agreement.[89] The BSTX LLC Agreement also states that the Exchange will become a party to the BSTX LLC Agreement and the Commission and the Exchange shall have ''appropriate regulatory oversight responsibilities with respect to BSTX'' upon the Commission's approval of the Exchange's proposal to operate the BSTX Market as a facility of the Exchange.[90] Because the BSTX Governance Proposal does not explain how the BSTX Market would operate, the Commission is unable to assess what the Exchange's regulatory responsibilities would be and thus whether the Exchange would be organized and have the capacity to carry out the purposes of the Exchange Act with respect to BSTX as a facility of the Exchange.

Furthermore, the BSTX Trading Rules Proposal included discussion about how the Exchange planned to comply with its regulatory obligations with respect to the BSTX Market that is not included in the BSTX Governance Proposal. For example, the BSTX Governance Proposal does not explain whether the Exchange would enter into any agreements with other parties to provide regulatory services. However, the BSTX Trading Rules Proposal explained that

[72] *See supra* note 17 and accompanying text.

[73] *See supra* notes 24–25 and accompanying text.

[74] *See* BSTX LLC Agreement, *supra* note 14, Section 1.1.

[75] The BSTX LLC Agreement defines ''BSTX Products'' as ''*security tokens* (emphasis added) authorized for trading on the BSTX Market.'' *See id.* at Section 1.1.

[76] *See* BSTX LLC Agreement, *supra* note 14, Section 3.

[77] *See supra* note 51 and accompanying text.

[78] *See supra* note 74 and accompanying text.

[79] The proposed BSTX LLC Agreement defines ''Trading'' as ''availability of the System to authorized users for entering, modifying and canceling orders in BSTX Products.'' *See* BSTX LLC Agreement, *supra* note 14, Section 1.1.

[80] *See supra* note 75 and accompanying text.

[81] *See supra* notes 55–65 and accompanying text.

[82] *See supra* note 55 and accompanying text.

[83] *See e.g.,* BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51257; BSTX Rules, *supra* note 24, proposed BSTX Rule 17020(d).

[84] *See supra* note 23 and accompanying text.

[85] *See supra* note 75.

[86] *See* BSTX LLC Agreement, *supra* note 14, Section 1.1.

[87] *See id.*

[88] *See supra* notes 59–62 and accompanying text.

[89] *See* BSTX LLC Agreement, *supra* note 14, Section 3.2(a)(i); *supra* note 41.

[90] *See* BSTX LLC Agreement, *supra* note 14, Section 18.8.

in connection with the operation of BSTX, the Exchange planned to leverage many of the structures it previously established to operate a national securities exchange in compliance with Section 6 of the Exchange Act. The Exchange stated, among other things, its intent to extend its RSA with FINRA to cover BSTX Participants and trading on the BSTX System; that the RSA would govern many aspects of the regulation and discipline of BSTX Participants; and that the Exchange would perform Security listing regulation, authorize BSTX Participants to trade on the BSTX System, and conduct surveillance of Security trading on the BSTX System.[91] The BSTX Trading Rules Proposal was disapproved, and this information, which is supportive of how the Exchange would be organized and have the capacity to carry out the purposes of the Exchange Act, is not part of the BSTX Governance Proposal. Because the BSTX Governance Proposal, standing alone, does not reflect these aspects of the operation of the BSTX facility or how the Exchange would provide regulatory oversight of BSTX, the Commission is unable to assess whether the BSTX Governance Proposal is consistent with Section 6(b)(1) of the Exchange Act.

In other regards, the BSTX LLC Agreement also refers to the Exchange's regulatory authority with respect to BSTX.[92] For example, the BSTX LLC Agreement gives the Exchange the authority and discretion to take actions to limit or prevent a ''Regulatory Deficiency,'' which the BSTX LLC Agreement defines as the operation of BSTX or the BSTX Market in a manner that is not consistent with Exchange Rules or the Exchange Act, or rules and regulations thereunder, governing the BSTX Market or BSTX Participants, or that otherwise impedes the Exchange's ability to regulate the BSTX Market or BSTX Participants or to fulfill its obligations under the Exchange Act as an SRO.[93] The Exchange states that such provisions ensure the Exchange maintains full regulatory control and authority over BSTX while it operates as a facility of the Exchange and help guarantee the Exchange's ability to fulfill its regulatory responsibilities and operate in a manner consistent with the Exchange Act, and in particular with Section 6(b)(1).[94] However, the BSTX Governance Proposal does not provide sufficient detail about how the BSTX Market would operate, and the Commission concludes that the information in the BSTX Governance Proposal on its own cannot support a finding that the Exchange will be organized and have the capacity to comply with the purposes of the Exchange Act, consistent with Section 6(b)(1) of the Exchange Act.

IV. Conclusion

For the reasons set forth above, the Commission does not find, pursuant to Section 19(b)(2) of the Exchange Act, that the proposed rule change, as modified by Amendment No. 1, is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange, and, in particular, with Section 6(b)(1) of the Exchange Act.[95]

It is therefore ordered, pursuant to Section 19(b)(2) of the Exchange Act,[96] that the proposed rule change (SR–BOX–2020–16), as modified by Amendment No. 1, be, and hereby is, disapproved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[97]

J. Matthew DeLesDernier,

Assistant Secretary.

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[91] *See* BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51286. *See also supra* note 65 and accompanying text. The Exchange also proposed that it would perform automated surveillance of trading on BSTX for the purpose of maintaining a fair and orderly market at all times and monitor BSTX to identify unusual trading patterns and determine whether particular trading activity requires further regulatory investigation by FINRA. *See* BSTX Trading Rules Proposal, *supra* note 16, 85 FR at 51286–87.

[92] *See, e.g., supra* notes 41 and 43 and accompanying text.

[93] *See* BSTX LLC Agreement, *supra* note 14, Section 1.1. *See also supra* notes 45–46 and accompanying text.

[94] *See* Notice, *supra* note 3, 85 FR at 33264.

[95] 15 U.S.C. 78f(b)(1).

[96] 15 U.S.C. 78s(b)(2).

[97] 17 CFR 200.30–3(a)(57).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–90980; File No. SR–MIAX–2021–02]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fee Schedule for Member and Non-Member Monthly Network Connectivity Fees

January 25, 2021.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 13, 2021, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend the MIAX Fee Schedule (the ''Fee Schedule'').[3]

The text of the proposed rule change is available on the Exchange's website at *http://www.miaxoptions.com/rule-filings,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend the Fee Schedule to increase the Exchange's network connectivity fees for its 10 gigabit (''Gb'') ultra-low latency (''ULL'') fiber connection for Members [4] and non-Members (the ''Proposed Access Fees'').

The Exchange currently offers various bandwidth alternatives for connectivity to the Exchange, to its primary and secondary facilities, consisting of a 1Gb fiber connection, a 10Gb fiber

[3] The Commission notes that the Exchange initially filed the proposed Fee Schedule amendment on December 31, 2020 (SR–MIAX–2020–43). On January 13, 2021, the Exchange withdrew that filing and submitted this filing.

[4] The term ''Member'' means an individual or organization approved to exercise the trading rights associated with a Trading Permit. Members are deemed ''members'' under the Exchange Act. *See* Exchange Rule 100.

connection, and a 10Gb ULL fiber connection. The 10Gb ULL offering uses an ultra-low latency switch, which provides faster processing of messages sent to it in comparison to the switch used for the other types of connectivity. The Exchange currently assesses the following monthly network connectivity fees to both Members and non-Members for connectivity to the Exchange's primary/secondary facility: (a) $1,400 for the 1Gb connection; (b) $6,100 for the 10Gb connection; and (c) $9,300 for the 10Gb ULL connection.

The Exchange's MIAX Express Network Interconnect (''MENI'') can be configured to provide Members and non-Members of the Exchange network connectivity to the trading platforms, market data systems, test systems, and disaster recovery facilities of both the Exchange and its affiliate, MIAX PEARL, LLC (''MIAX PEARL''), via a single, shared connection. Members and non-Members utilizing the MENI to connect to the trading platforms, market data systems, test systems and disaster recovery facilities of the Exchange and MIAX PEARL via a single, shared connection are assessed only one monthly network connectivity fee per connection, regardless of the trading platforms, market data systems, test systems, and disaster recovery facilities accessed via such connection. The Exchange now proposes to increase the monthly network connectivity fees for its 10Gb ULL connections for both Members and non-Members from $9,300 to $10,000 per connection.

* * * * *

The Exchange believes that exchanges, in setting fees of all types, should meet very high standards of transparency to demonstrate why each new fee or fee increase meets the requirements of the Act that fees be reasonable, equitably allocated, not unfairly discriminatory, and not create an undue burden on competition among members and markets. The Exchange believes this high standard is especially important when an exchange imposes various access fees for market participants to access an exchange's marketplace. The Exchange deems connectivity fees to be access fees. The Exchange believes that it is important to demonstrate that these fees are based on its costs and reasonable business needs. Accordingly, the Exchange believes the Proposed Access Fees will allow the Exchange to offset expense the Exchange has and will incur, and that the Exchange is providing sufficient transparency (as described below) into how the Exchange determined to charge such fees. Accordingly, the Exchange is providing an analysis of its revenues, costs, and profitability for the Proposed Access Fees. This analysis includes information regarding its methodology for determining the costs and revenues associated with the Proposed Access Fees.

In order to determine the Exchange's costs associated with providing the Proposed Access Fees, the Exchange conducted an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger to determine whether each such expense relates to the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports the services included in the Proposed Access Fees. The sum of all such portions of expenses represents the total cost of the Exchange to provide the Proposed Access Fees. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange's cost allocation methodology—namely, information that explains the Exchange's rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the total cost to the Exchange to provide the Proposed Access Fees.

In order to determine the Exchange's projected revenues associated with providing the Proposed Access Fees, the Exchange analyzed the number of Members and non-Members currently utilizing the Exchange's services associated with the Proposed Access Fees during 2020, and, utilizing a recently completed monthly billing cycle, extrapolated annualized revenue on a going-forward basis. The Exchange is presenting its revenue and expense associated with the Proposed Access Fees in this filing in a manner that is consistent with how the Exchange presents its revenue and expense in its Audited Unconsolidated Financial Statements. The Exchange's most recent Audited Unconsolidated Financial Statement is for 2019. However, since the revenue and expense associated with the Proposed Access Fees were not in place in 2019 (or 2020), the Exchange believes its 2019 Audited Unconsolidated Financial Statement is not useful for analyzing the reasonableness of the total annual revenue and costs associated with the Proposed Access Fees. Accordingly, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2020 (actual for the first 11 months and projected for the final 1 month) revenue and costs, as described herein, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements. Based on this analysis, the Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit when comparing the Exchange's total annual expense associated with providing the services associated with the Proposed Access Fees versus the total projected annual revenue the Exchange will collect for providing those services.

* * * * *

On March 29, 2019, the Commission issued its Order Disapproving Proposed Rule Changes to Amend the Fee Schedule on the BOX Market LLC Options Facility to Establish BOX Connectivity Fees for Participants and Non-Participants Who Connect to the BOX Network (the ''BOX Order'').[5] On May 21, 2019, the Commission issued the Staff Guidance on SRO Rule Filings Relating to Fees.[6]

The Exchange believes that the Proposed Access Fees are consistent with the Act because they (i) are reasonable, equitably allocated, not unfairly discriminatory, and not an undue burden on competition; (ii) comply with the BOX Order and the Guidance; (iii) are supported by evidence (including data and analysis), constrained by significant competitive forces; and (iv) are supported by specific information (including quantitative information), fair and reasonable because they will permit recovery of the Exchange's costs (less than all) and will not result in excessive pricing or supra-competitive profit. Accordingly, the Exchange believes that the Commission should find that the Proposed Access Fees are consistent with the Act.

2. Statutory Basis

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act[7] in general, and furthers the objectives of Section 6(b)(4) of the Act[8] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among Exchange Members and issuers and other persons using any facility or system which the Exchange

[5] *See* Securities Exchange Act Release No. 85459 (March 29, 2019), 84 FR 13363 (April 4, 2019) (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).

[6] *See* Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019), at *https://www.sec.gov/tm/staff-guidance-sro-rule-filings-fees* (the ''Guidance'').

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(4).

operates or controls. The Exchange also believes the proposal furthers the objectives of Section 6(b)(5) of the Act [9] in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest and is not designed to permit unfair discrimination between customers, issuers, brokers and dealers.

For November 2020, the Exchange had only a 3.90% market share of the U.S. options industry.[10] The Exchange is not aware of any evidence that a market share of approximately 3–4% provides the Exchange with anti-competitive pricing power. If the Exchange were to attempt to establish unreasonable pricing, then no market participant would join or connect, and existing market participants would disconnect.

Separately, the Exchange is not aware of any reason why market participants could not simply drop their connections and cease being Members of the Exchange if the Exchange were to establish unreasonable and uncompetitive price increases for its connectivity alternatives. Market participants choose to connect to a particular exchange and because it is a choice, the Exchange must set reasonable connectivity pricing, otherwise prospective members would not connect and existing members would disconnect or connect through a third-party reseller of connectivity. No options market participant is required by rule, regulation, or competitive forces to be a Member of the Exchange. As evidence of the fact that market participants can and do disconnect from exchanges based on connectivity pricing, R2G Services LLC (''R2G'') filed a comment letter after BOX's proposed rule changes to increase its connectivity fees (SR–BOX–2018–24, SR–BOX–2018–37, and SR–BOX–2019–04).[11] The R2G Letter stated, ''[w]hen BOX instituted a $10,000/month price increase for connectivity; we had no choice but to terminate connectivity into them as well as terminate our market data relationship. The cost benefit analysis just didn't make any sense for us at those new levels.'' Accordingly, this example shows that if an exchange sets too high of a fee for connectivity and/or market data services for its relevant marketplace, market participants can choose to disconnect from the exchange.

The Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act because the Proposed Access Fees will not result in excessive or supra-competitive profit. The costs associated with providing access to Exchange Members and non-Members, as well as the general expansion of a state-of-the-art infrastructure, are extensive, have increased year-over-year, and are projected to increase year-over-year in the future.

The Exchange believes the proposed increase to the 10Gb ULL connection is an equitable allocation of reasonable fees because 10Gb ULL purchasers: (1) Consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high touch network support services provided by the Exchange and its staff, including more costly network monitoring, reporting and support services, resulting in a much higher cost to the Exchange.

The Exchange believes that the proposed increase to the 10Gb ULL fees are equitably allocated among users of the network connectivity alternatives, as the users of the 10Gb ULL connections consume the most bandwidth and resources of the network. Specifically, the Exchange notes that these users account for approximately greater than 99% of message traffic over the network, while the users of the 1Gb connections account for approximately less than 1% of message traffic over the network. In the Exchange's experience, users of the 1Gb connections do not have a business need for the high performance network solutions required by 10Gb ULL users. The Exchange's high performance network solutions and supporting infrastructure (including employee support), provides unparalleled system throughput with the network ability to support access to several distinct options markets and the capacity to handle approximately 38 million quote messages per second. On an average day, the Exchange and MIAX PEARL handle over approximately 8,304,500,000 billion total messages. Of that total, users of the 10Gb ULL connections generate approximately 8.3 billion messages, and users of the 1Gb connections generate approximately 4.5 million messages. However, in order to achieve a consistent, premium network performance, the Exchange must build out and maintain a network that has the capacity to handle the message rate requirements of its most heavy network consumers. These billions of messages per day consume the Exchange's resources and significantly contribute to the overall network connectivity expense for storage and network transport capabilities. Given this difference in network utilization rate, the Exchange believes that it is reasonable, equitable, and not unfairly discriminatory that the 10Gb ULL users pay for the vast majority of the shared network resources from which all Member and non-Member users benefit, but is designed and maintained from a capacity standpoint to specifically handle the message rate and performance requirements of 10Gb and 10Gb ULL users.

The Exchange also believes that the connectivity fees are equitably allocated amongst users of the network connectivity alternatives, when these fees are viewed in the context of the overall trading volume on the Exchange. To illustrate, the purchasers of the 10Gb ULL connectivity account for approximately 94% of the volume on the Exchange for the month of November 2020. This overall volume percentage (94% of total Exchange volume) is in line with the amount of network connectivity revenue collected from 10Gb ULL purchasers (87% of total Exchange connectivity revenue). For example, utilizing the same recently completed billing cycle described above, Exchange Members and non-Members that purchased 10Gb ULL connections accounted for approximately 87% of the total network connectivity revenue collected by the Exchange from all connectivity alternatives; and Members and non-Members that purchased 1Gb and 10Gb connections accounted for approximately 13% of the revenue collected by the Exchange from all connectivity alternatives.

The Exchange further believes that the fees are equitably allocated, as the amount of the fees for the various connectivity alternatives are directly related to the actual costs associated with providing the respective connectivity alternatives. That is, the cost to the Exchange of providing a 1Gb network connection is significantly lower than the cost to the Exchange of providing a 10Gb or 10Gb ULL network connection. Pursuant to its extensive cost review described above, the Exchange believes that the average cost to provide a 10Gb ULL network connection is approximately 8 times more than the average cost to provide a 1Gb connection. The simple hardware and software component costs alone of a 10Gb ULL connection is not 8 times

[9] 15 U.S.C. 78f(b)(5).

[10] *See* The Options Clearing Corporation (''OCC'') publishes options and futures volume in a variety of formats, including daily and monthly volume by exchange, available here: *https://www.theocc.com/market-data/volume/default.jsp.*

[11] *See* Letter from Stefano Durdic, R2G, to Vanessa Countryman, Acting Secretary, Commission, dated March 27, 2019 (the ''R2G Letter'').

more than the 1Gb connection. Rather, it is the associated premium-product level network monitoring, reporting, and support services costs that accompany a 10Gb ULL connection which causes it to be 8 times more costly to provide than the 1Gb connection. Accordingly, the Exchange believes it is equitable to allocate those network infrastructure costs that accompany a 10Gb ULL connection to the purchasers of those connections, and not to purchasers of 1Gb connections.

As discussed above, the Exchange differentiates itself by offering a ''premium-product'' network experience, as an operator of a high performance, ultra-low latency network with unparalleled system throughput, which network can support access to three distinct options markets and multiple competing market-makers having affirmative obligations to continuously quote over 750,000 distinct trading products (per exchange), and the capacity to handle approximately 38 million quote messages per second. The ''premium-product'' network experience enables users of 10Gb and 10Gb ULL connections to receive the network monitoring and reporting services for those approximately 750,000 distinct trading products. There is a significant, quantifiable amount of research and development (''R&D'') effort, employee compensation and benefits expense, and other expense associated with providing the high touch network monitoring and reporting services that are utilized by the 10Gb and 10Gb ULL connections offered by the Exchange. These value add services are fully-discussed herein, and the actual costs associated with providing these services are the basis for the differentiated amount of the fees for the various connectivity alternatives.

In order to provide more detail and to quantify the Exchange's costs associated with providing access to the Exchange in general, the Exchange notes that there are material costs associated with providing the infrastructure and headcount to fully-support access to the Exchange. The Exchange incurs technology expense related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with its network technology. While some of the expense is fixed, much of the expense is not fixed, and thus increases as the services associated with the Proposed Access Fees increase. For example, new 10Gb ULL connections require the purchase of additional hardware to support those connections as well as enhanced monitoring and reporting of customer performance that MIAX and its affiliates provide. Further, as the total number of all connections increase, MIAX and its affiliates need to increase their data center footprint and consume more power, resulting in increased costs charged by their third-party data center provider. Accordingly, the cost to MIAX and its affiliates is not fixed. The Exchange believes the Proposed Access Fees are reasonable in order to offset the costs to the Exchange associated with providing access to its network infrastructure.

Further, because the costs of operating its own data center are significant and not economically feasible for the Exchange at this time, the Exchange does not operate its own data centers, and instead contracts with a third-party data center provider. The Exchange notes that other competing exchange operators own/operate their data centers, which offers them greater control over their data center costs. Because those exchanges own and operate their data centers as profit centers, the Exchange is subject to additional costs. The Proposed Access Fees, which are charged for accessing the Exchange's data center network infrastructure, are directly related to the network and offset such costs.

The Exchange invests significant resources in network R&D to improve the overall performance and stability of its network. For example, the Exchange has a number of network monitoring tools (some of which were developed in-house, and some of which are licensed from third-parties), that continually monitor, detect, and report network performance, many of which serve as significant value-adds to the Exchange's Members and enable the Exchange to provide a high level of customer service. These tools detect and report performance issues, and thus enable the Exchange to proactively notify a Member (and the SIPs) when the Exchange detects a problem with a Member's connectivity. In fact, the Exchange often receives inquiries from other industry participants regarding the status of networking issues outside of the Exchange's own network environment that are impacting the industry as a whole via the SIPs, including inquiries from regulators, because the Exchange has a superior, state-of the-art network that, through its enhanced monitoring and reporting solutions, often detects and identifies industry-wide networking issues ahead of the SIPs. The Exchange also incurs costs associated with the maintenance and improvement of existing tools and the development of new tools.

Additionally, certain Exchange-developed network aggregation and monitoring tools provide the Exchange with the ability to measure network traffic with a much more granular level of variability. This is important as Exchange Members demand a higher level of network determinism and the ability to measure variability in terms of single digit nanoseconds. Also, routine R&D projects to improve the performance of the network's hardware infrastructure result in additional cost. In sum, the costs associated with maintaining and enhancing a state-of-the-art exchange network in the U.S. options industry is a significant expense for the Exchange that also increases year-over-year, and thus the Exchange believes that it is reasonable to offset those costs through the Proposed Access Fees. The Exchange invests in and offers a superior network infrastructure as part of its overall options exchange services offering, resulting in significant costs associated with maintaining this network infrastructure, which are directly tied to the amount of the Proposed Access Fees that must be charged to access it, in order to recover those costs.

For the avoidance of doubt, none of the expenses included herein relating to the services associated with the Proposed Access Fees also relate to the provision of any other services offered by the Exchange. Stated differently, no expense amount of the Exchange is allocated twice. The Exchange notes that it made certain representations in a previous filing [12] regarding its expense allocation for the provision of additional limited service ports. The Exchange represents that none of the expenses allocated to the provision of additional limited service ports are also allocated to the services associated with the Proposed Access Fees—that is, there is no overlap of any such expenses that are included in the costs associated with services the Exchange provides for the Proposed Access Fees and for the services the Exchange provides for ports. Lastly, the Exchange notes that, with respect to the MIAX PEARL expenses included herein, those expenses only cover the MIAX PEARL options market; expenses associated with the MIAX PEARL equities market are accounted for separately and are not included within the scope of this filing.

The Exchange only has four primary sources of revenue: Transaction fees, access fees (which includes the

[12] *See* Securities Exchange Act Release No. 90811 (December 29, 2020) (SR–MIAX–2020–41).

Proposed Access Fees), regulatory fees, and market data fees. Accordingly, the Exchange must cover all of its expenses from these four primary sources of revenue.

The Exchange believes that the Proposed Access Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense of MIAX and MIAX PEARL associated with providing these services versus the total projected annual revenue for both exchanges from these services. For 2020, the total annual expense for providing network connectivity services (that is, the shared network connectivity of MIAX and MIAX PEARL, but excluding MIAX Emerald) is projected to be approximately $17.9 million. The $17.9 million in projected total annual expense is comprised of the following, all of which are directly related to the services associated with the Proposed Access Fees for MIAX and MIAX PEARL: (1) Third-party expense, relating to fees paid by MIAX and MIAX PEARL to third-parties for certain products and services; and (2) internal expense, relating to the internal costs of MIAX and MIAX PEARL to provide the services associated with the Proposed Access Fees. As noted above, the Exchange believes it is more appropriate to analyze the Proposed Access Fees utilizing its 2020 (actual for the first 11 months and projected for the final 1 month) revenue and costs, which utilize the same presentation methodology as set forth in the Exchange's previously-issued Audited Unconsolidated Financial Statements.[13] The $17.9 million in projected total annual expense is directly related to the services associated with providing network connectivity services, and not any other product or service offered by the Exchange. It does not include general costs of operating matching systems and other trading technology, and no expense amount was allocated twice. As discussed, the Exchange conducted an extensive cost review in which the Exchange analyzed every expense item in the Exchange's general expense ledger (this includes over 150 separate and distinct expense items) to determine whether each such expense relates to the services associated with the Proposed Access Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services, and thus bears a relationship that is, ''in nature and closeness,'' directly related to those services. The sum of all such portions of expenses represents the total cost to the Exchange to provide the services associated with the Proposed Access Fees.

For 2020, total third-party expense, relating to fees paid by MIAX and MIAX PEARL to third-parties for certain products and services for the Exchange to be able to provide network connectivity services, is projected to be $4,079,910. This includes, but is not limited to, a portion of the fees paid to: (1) Equinix, for data center services, for the primary, secondary, and disaster recovery locations of the MIAX and MIAX PEARL trading system infrastructure; (2) Zayo Group Holdings, Inc. (''Zayo'') for connectivity services (fiber and bandwidth connectivity) linking MIAX and MIAX PEARL office locations in Princeton, NJ and Miami, FL to all data center locations; (3) Secure Financial Transaction Infrastructure (''SFTI''),[14] which supports connectivity and feeds for the entire U.S. options industry; (4) various other services providers (including Thompson Reuters, NYSE, Nasdaq, and Internap), which provide content, connectivity services, and infrastructure services for critical components of options connectivity; and (5) various other hardware and software providers (including Dell and Cisco, which support the production environment in which Members and non-Members connect to the network to trade, receive market data, etc.).

For clarity, only a portion of all fees paid to such third-parties is included in the third-party expense herein, and no expense amount is allocated twice. Accordingly, MIAX and MIAX PEARL do not allocate their entire information technology and communication costs to the services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such third-party expense described above towards the total cost to the Exchange to provide the services associated with the Proposed Access Fees. In particular, the Exchange believes it is reasonable to allocate the identified portion of the Equinix expense because Equinix operates the data centers (primary, secondary, and disaster recovery) that host the Exchange's network infrastructure. This includes, among other things, the necessary storage space, which continues to expand and increase in cost, power to operate the network infrastructure, and cooling apparatuses to ensure the Exchange's network infrastructure maintains stability. Without these services from Equinix, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the Equinix expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 68% of the total Equinix expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange believes it is reasonable to allocate the identified portion of the Zayo expense because Zayo provides the internet, fiber and bandwidth connections with respect to the network, linking MIAX with its affiliates, MIAX PEARL and MIAX Emerald, as well as the data center and disaster recovery locations. As such, all of the trade data, including the billions of messages each day per exchange, flow through Zayo's infrastructure over the Exchange's network. Without these services from Zayo, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the Zayo expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 62% of the total Zayo expense. The Exchange believes this

[13] For example, the Exchange previously noted that all third-party expense described in its prior fee filing was contained in the information technology and communication costs line item under the section titled ''Operating Expenses Incurred Directly or Allocated From Parent,'' in the Exchange's 2019 Form 1 Amendment containing its financial statements for 2018. See Securities Exchange Act Release No. 87875 (December 31, 2019), 85 FR 770 (January 7, 2020) (SR–MIAX–2019–51). Accordingly, the third-party expense described in this filing is attributed to the same line item for the Exchange's 2020 Form 1 Amendment, which will be filed in 2021.

[14] In fact, on October 22, 2019, the Exchange was notified by SFTI that it is again raising its fees charged to the Exchange by approximately 11%, without having to show that such fee change complies with the Act by being reasonable, equitably allocated, and not unfairly discriminatory. It is unfathomable to the Exchange that, given the critical nature of the infrastructure services provided by SFTI, that its fees are not required to be rule-filed with the Commission pursuant to Section 19(b)(1) of the Act and Rule 19b–4 thereunder. *See* 15 U.S.C. 78s(b)(1) and 17 CFR 240.19b–4, respectively.

allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange believes it is reasonable to allocate the identified portion of the SFTI expense and various other service providers' (including Thompson Reuters, NYSE, Nasdaq, and Internap) expense because those entities provide connectivity and feeds for the entire U.S. options industry as well as the content, connectivity services, and infrastructure services for critical components of the network. Without these services from SFTI and various other service providers, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the SFTI and other service providers' expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 89% of the total SFTI and other service providers' expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange believes it is reasonable to allocate the identified portion of the other hardware and software provider expense because this includes costs for dedicated hardware licenses for switches and servers, as well as dedicated software licenses for security monitoring and reporting across the network. Without this hardware and software, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the hardware and software provider expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 54% of the total hardware and software provider expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

For 2020, total projected internal expense, relating to the internal costs of MIAX and MIAX PEARL to provide network connectivity services, is projected to be $13,831,434. This includes, but is not limited to, costs associated with: (1) Employee compensation and benefits for full-time employees that support the services associated with the Proposed Access Fees, including staff in network operations, trading operations, development, system operations, business, as well as staff in general corporate departments (such as legal, regulatory, and finance) that support those employees and functions; (2) depreciation and amortization of hardware and software used to provide the services associated with the Proposed Access Fees, including equipment, servers, cabling, purchased software and internally developed software used in the production environment to support the network for trading; and (3) occupancy costs for leased office space for staff that provide the services associated with the Proposed Access Fees. The breakdown of these costs is more fully-described below. For clarity, only a portion of all such internal expenses are included in the internal expense herein, and no expense amount is allocated twice. Accordingly, the Exchange and MIAX PEARL do not allocate their entire costs contained in those items to the services associated with the Proposed Access Fees.

The Exchange believes it is reasonable to allocate such internal expense described above towards the total cost to the Exchange to provide the services associated with the Proposed Access Fee. In particular, MIAX's and MIAX PEARL's combined employee compensation and benefits expense relating to providing network connectivity services is projected to be approximately $6,892,689, which is only a portion of the $11,811,796 (for MIAX) and $9,727,857 (for MIAX PEARL) total projected expense for employee compensation and benefits. The Exchange believes it is reasonable to allocate the identified portion of such expense because this includes the time spent by employees of several departments, including Technology, Back Office, Systems Operations, Networking, Business Strategy Development (who create the business requirement documents that the Technology staff use to develop network features and enhancements), Trade Operations, Finance (who provide billing and accounting services relating to the network), and Legal (who provide legal services relating to the network, such as rule filings and various license agreements and other contracts). As part of the extensive cost review conducted by the Exchange, the Exchange reviewed the amount of time spent by each employee on matters relating to the provision of services associated with the Proposed Access Fees. Without these employees, the Exchange would not be able to operate and support the network and provide network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the employee compensation and benefits expense toward the cost of providing network connectivity services, only the portions which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 32% of the total employee compensation and benefits expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

MIAX's and MIAX PEARL's combined depreciation and amortization expense relating to providing network connectivity services is projected to be $6,378,337, which is only a portion of the $5,276,753 (for MIAX) and $3,342,621 (for MIAX PEARL) total projected expense for depreciation and amortization. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense includes the actual cost of the computer equipment, such as dedicated servers, computers, laptops, monitors, information security appliances and storage, and network switching infrastructure equipment, including switches and taps that were purchased to operate and support the network and provide the services associated with the Proposed Access Fees. Without this equipment, the Exchange would not be able to operate the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. The Exchange did not allocate all of the depreciation and amortization expense toward the cost of providing network connectivity services, only the portion which the Exchange identified as being specifically mapped to providing network connectivity services, approximately 74% of the total depreciation and amortization expense, as these services would not be possible

without relying on such equipment. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

MIAX's and MIAX PEARL's combined occupancy expense relating to providing network connectivity services is projected to be $560,408, which is only a portion of the $615,264 (for MIAX) and $528,425 (for MIAX PEARL) total projected expense for occupancy. The Exchange believes it is reasonable to allocate the identified portion of such expense because such expense represents the portion of the Exchange's cost to rent and maintain a physical location for the Exchange's staff who operate and support the network, including providing the services associated with the Proposed Access Fees. This amount consists primarily of rent for the Exchange's Princeton, NJ office, as well as various related costs, such as physical security, property management fees, property taxes, and utilities. The Exchange operates its Network Operations Center (''NOC'') and Security Operations Center (''SOC'') from its Princeton, New Jersey office location. A centralized office space is required to house the staff that operates and supports the network. The Exchange currently has approximately 150 employees. Approximately two-thirds of the Exchange's staff are in the Technology department, and the majority of those staff have some role in the operation and performance of the services associated with the Proposed Access Fees. Without this office space, the Exchange would not be able to operate and support the network and provide the services associated with the Proposed Access Fees to its Members and non-Members and their customers. Accordingly, the Exchange believes it is reasonable to allocate the identified portion of its occupancy expense because such amount represents the Exchange's actual cost to house the equipment and personnel who operate and support the Exchange's network infrastructure and the services associated with the Proposed Access Fees. The Exchange did not allocate all of the occupancy expense toward the cost of providing network connectivity services, only that portion which the Exchange identified as being specifically mapped to providing the services associated with the Proposed Access Fees, approximately 49% of the total occupancy expense. The Exchange believes this allocation is reasonable because it represents the Exchange's actual cost to provide the services associated with the Proposed Access Fees, and not any other service, as supported by its cost review.

The Exchange's monthly projected revenue for the Proposed Access Fees is based on MIAX and MIAX PEARL Members and non-Members purchasing 140 10Gb ULL connections, based on a recent billing cycle. Accordingly, based on current assumptions and approximations, the Exchange and MIAX PEARL project total combined monthly revenue from 10Gb ULL connections of approximately $1,400,000.[15]

On a going-forward, fully-annualized basis, the Exchange and MIAX PEARL project that their annualized revenue for providing the services associated with the Proposed Access Fees to be approximately $16.8 million per annum, based on a most recently completed billing cycle. The Exchange and MIAX PEARL project that their annualized revenue for providing network connectivity services (all connectivity alternatives) to be approximately $19.4 million per annum.[16] The Exchange and MIAX PEARL project that their annualized expense for providing network connectivity services (all connectivity alternatives) to be approximately $17.9 million per annum. Accordingly, on a fully-annualized basis, the Exchange believes its total projected revenue for the providing network connectivity services (all additional connectivity alternatives) will not result in excessive pricing or supra-competitive profit, as the Exchange will make only a 8% profit margin on network connectivity services ($19.4 million − $17.9 million = $1.5 million per annum). Additionally, this profit margin does not take into account the cost of capital expenditures (''CapEX'') the Exchange and MIAX PEARL are projected to spend in each year on CapEx going forward.

The Exchange believes it is reasonable, equitable and not unfairly discriminatory to allocate the respective percentages of each expense category described above towards the total cost to the Exchange of operating and supporting the network, including providing the services associated with the Proposed Access Fees because the Exchange performed a line-by-line item analysis of all the expenses of the Exchange, and has determined the expenses that directly relate to operation and support of the network. Further, the Exchange notes that, without the specific third-party and internal items listed above, the Exchange would not be able to operate and support the network, including providing the services associated with the Proposed Access Fees to its Members and non-Members and their customers. Each of these expense items, including physical hardware, software, employee compensation and benefits, occupancy costs, and the depreciation and amortization of equipment, have been identified through a line-by-line item analysis to be integral to the operation and support of the network. The Proposed Access Fees are intended to recover the Exchange's costs of operating and supporting the network. Accordingly, the Exchange believes that the Proposed Access Fee increases are fair and reasonable because they do not result in excessive pricing or supra-competitive profit, when comparing the actual network operation and support costs to the Exchange versus the projected annual revenue from the Proposed Access Fees, including the increased amount.

B. Self-Regulatory Organization's Statement on Burden on Competition

MIAX does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Intra-Market Competition

The Exchange does not believe that the proposed rule change would place certain market participants at the Exchange at a relative disadvantage compared to other market participants or affect the ability of such market participants to compete. In particular, the Exchange has received no official complaints from Members, non-Members (extranets and service bureaus), third-parties that purchase the Exchange's connectivity and resell it, and customers of those resellers, that the Exchange's fees or the Proposed Access Fees are negatively impacting or would negatively impact their abilities to compete with other market participants or that they are placed at a disadvantage.

The Exchange believes that the Proposed Access Fees do not place certain market participants at a relative disadvantage to other market participants because the connectivity pricing is associated with relative usage of the various market participants and does not impose a barrier to entry to smaller participants. As described above, the less expensive 1Gb direct

[15] The Exchange also projects an additional $215,000 in monthly revenue through non-10Gb ULL connections, however the Exchange is not proposing to adjust the fees for those connections at this time.

[16] *See id.*

connection is generally purchased by market participants that utilize less bandwidth. The market participants that purchase 10Gb ULL direct connections utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the Proposed Access Fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the Proposed Fee Increases reflects the network resources consumed by the various size of market participants—lowest bandwidth consuming members pay the least, and highest bandwidth consuming members pays the most, particularly since higher bandwidth consumption translates to higher costs to the Exchange.

Inter-Market Competition

The Exchange believes the Proposed Access Fees do not place an undue burden on competition on other SROs that is not necessary or appropriate. In particular, options market participants are not forced to connect to (and purchase market data from) all options exchanges. Not only does MIAX have less than half the number of members as certain other options exchanges, but there are also a number of the Exchange's Members that do not connect directly to MIAX or MIAX PEARL. There are a number of large market makers and broker-dealers that are members of other options exchange but not Members of MIAX or MIAX PEARL. Additionally, other exchanges have similar connectivity alternatives for their participants, including similar low-latency connectivity, but with much higher rates to connect. The Exchange is also unaware of any assertion that its existing fee levels or the Proposed Access Fees would somehow unduly impair its competition with other options exchanges. To the contrary, if the fees charged are deemed too high by market participants, they can simply disconnect.

While the Exchange recognizes the distinction between connecting to an exchange and trading at the exchange, the Exchange notes that it operates in a highly competitive options market in which market participants can readily connect and trade with venues they desire. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges. The Exchange believes that the proposed changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act,[17] and Rule 19b–4(f)(2)[18] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–MIAX–2021–02 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2021–02. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change. Persons submitting comments are cautioned that we do not redact or edit personal identifying information from comment submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–MIAX–2021–02 and should be submitted on or before February 19, 2021.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

J. Matthew DeLesDernier,

Assistant Secretary.

[FR Doc. 2021–01939 Filed 1–28–21; 8:45 am]

BILLING CODE 8011–01–P

[17] 15 U.S.C. 78s(b)(3)(A)(ii).

[18] 17 CFR 240.19b–4(f)(2).

[19] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is publishing this notice to comply with requirements of the Paperwork Reduction Act (PRA), which requires agencies to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public of that submission.

DATES: Submit comments on or before March 1, 2021.

ADDRESSES: Comments should refer to the information collection by name and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*

Copies: A copy of the Form OMB 83–1, supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: SBA Form 172 is only used by lenders for loans that have been purchased by SBA and are being serviced by approved SBA lending partners. The lenders use the SBA Form 172 to report loan payment data to SBA on a monthly basis. The purpose of this reporting is to (1) show the remittance due SBA on a loan serviced by participating lending institutions (2) update the loan receivable balances.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collections

Title: Transaction Report on Loans Serviced by Lender.

Description of Respondents: SBA Lenders.

Form Number: SBA Form 172.

Estimated Annual Respondents: 623.

Estimated Annual Responses: 26,567.

Estimated Annual Hour Burden: 4,428.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–01927 Filed 1–28–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before March 1, 2021.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Copies: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: Small Business Administration Surety Bond Guarantee Program was created to encourage surety companies to provide bonding for small contractors. The information collected on the form from surety companies will be used to update the status of successfully completed contracts and to provide a final accounting of contractor and

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Title: Quarterly Contract Completion Report.

OMB Control Number: 3245–0395.

Description of Respondents: Surety companies.

Estimated Annual Responses: 92.

Estimated Annual Hour Burden: 92.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–01953 Filed 1–28–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #16710 and #16711; OREGON Disaster Number OR–00111]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Oregon

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 3.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Oregon (FEMA–4562–DR), dated 10/20/2020.

Incident: Wildfires and Straight-line Winds.

Incident Period: 09/07/2020 through 11/03/2020.

DATES: Issued on 01/22/2021.

Physical Loan Application Deadline Date: 01/13/2021.

Economic Injury (EIDL) Loan Application Deadline Date: 07/20/2021.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Oregon, dated 10/20/2020, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Josephine

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Cynthia Pitts,

Acting Associate Administrator for Disaster Assistance.

[FR Doc. 2021–01931 Filed 1–28–21; 8:45 am]

BILLING CODE 8026–03–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: 30-Day notice.

SUMMARY: The Small Business Administration (SBA) is seeking approval from the Office of Management and Budget (OMB) for the information

collection described below. In accordance with the Paperwork Reduction Act and OMB procedures, SBA is publishing this notice to allow all interested member of the public an additional 30 days to provide comments on the proposed collection of information.

DATES: Submit comments on or before March 1, 2021.

ADDRESSES: Comments should refer to the information collection by title and/or OMB Control Number and should be sent to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW, 5th Floor, Washington, DC 20416; and *SBA Desk Officer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov*.

Copies: You may obtain a copy of the information collection and supporting documents from the Agency Clearance Officer.

SUPPLEMENTARY INFORMATION: The information collected from the public, including our program participants and stakeholders, will help ensure users have an effective, and satisfying experience with the programs and activities offered or sponsored by the Small Business Administration. The information will provide insights into the public's perceptions, experience and expectations, and help focus attention on areas where communication, training or changes in operations might improve delivery of products or services.

Solicitation of Public Comments

Comments may be submitted on (a) whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Title: Generic Clearance for the Collection of Qualitative and Quantitative Feedback on Agency Service Delivery.

OMB Control Number: 3245–0398.

Description of Respondents: Program participants and stakeholders.

Description of Respondents: 500,000.

Estimated Annual Responses: 5000,000.

Estimated Annual Hour Burden: 70,000.

Curtis Rich,

Management Analyst.

[FR Doc. 2021–01961 Filed 1–28–21; 8:45 am]

BILLING CODE 8026–03–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2020–0926]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Notice of Proposed Outdoor Laser Operation(s)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The collection involves the gathering of information necessary for the FAA to ensure proposed outdoor laser operations will not interfere with air traffic operations. The information to be collected will be used to and/or is necessary because the FAA must evaluate proposed outdoor laser operations requiring a Food and Drug Administration (FDA) variance from a laser light show, display, or device.

DATES: Written comments should be submitted by March 30, 2021.

ADDRESSES: Please send written comments:

By Electronic Docket: www.regulations.gov (Enter docket number into search field).

By mail: 800 Independence Ave. SW, Washington, DC 20591, ATTN: Manager, Airspace Rules and Regulations, AJV–P21.

By fax: 202–267–9328.

FOR FURTHER INFORMATION CONTACT: Brian Konie by email at: *brian.konie@faa.gov;* phone: 202–267–8783.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0662.

Title: Notice of Proposed Outdoor Laser Operation(s).

Form Numbers: FAA Form 7140–1.

Type of Review: Renewal of an information collection.

Background: No laser light show, projection system, or device may vary from compliance with 21 CFR 1040.11(c) in design or use without the approval of an application for variance in accordance with 21 CFR 1010.4 using FDA Form 3147. In order to obtain a variance from 21 CFR 1040.11(c) for a laser light show, display, or device (as described on FDA Form 3147); advance written notification must be made as early as possible to appropriate federal, state, and local authorities providing show itinerary with dates and locations clearly and completely identified, and a basic description of the proposed effects including a statement of the maximum power output intended. Such notifications must be made, but not necessarily be limited, to the FAA for any projections into open airspace at any time (*i.e.,* including set up, alignment, rehearsals, performances, etc.). If the FAA objects to any laser effects, the objections will be resolved and any conditions requested by FAA will be adhered to. If these conditions cannot be met, the objectionable effects will be deleted from the show.

FAA Advisory Circular (AC) 70–1A, Outdoor Laser Operations, provides information for those proponents planning to conduct outdoor laser operations that may affect aircraft operations in the United States (U.S.) National Airspace System (NAS). In addition, FAA AC 70–1A explains the necessity to notify the FAA, how to notify the FAA of the planned laser operation, and any action the FAA will take to respond to such notifications. Furthermore, AC 70–1A includes instructions for completing the requisite FAA Form 7140–1, Notice of Proposed Outdoor Laser Operation(s).

Respondents: Approximately 603 laser operations.

Frequency: One time per laser operation.

Estimated Average Burden per Response: Approximately four hours per form.

Estimated Total Annual Burden: Approximately 2,412 hours.

Issued in Washington, DC, on January 22, 2021.

Natasha A. Durkins,

Director, Policy, AJV–P, Air Traffic Organization.

[FR Doc. 2021–01932 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0100]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on December 10, 2020, Brownsville & Rio Grande International Railroad (BRG) petitioned the Federal Railroad Administration (FRA) for a modification to its waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR parts 232, Brake System Safety Standards for Freight and Other Non-Passenger Trains and Equipment; End-Of-Train Devices, and 215, Railroad Freight Car Safety Standards. FRA assigned the petition Docket Number FRA–2010–0100.

Specifically, BRG seeks a modification to its waiver of compliance with certain requirements of 49 CFR part 215, and 49 CFR 232.205, *Class I Brake Test—Initial Terminal Inspection.* Presently, BRG's relief permits trains transferred by Union Pacific Railroad Company (UP) from the US/Mexico border interchange with the Kansas City Southern de Mexico Railway (KCSM) at Brownsville, Texas, to move from BRG's interchange point with UP at milepost (MP) 4.48 to the BRG inspection point between MPs 8.0 and 9.0, where required FRA inspections are performed (*see* Docket Number FRA–2007–28340). Occasionally, trains destined for interchange to BRG are delayed at UP's Olmito Yard by additional Federal agency inspection activities. BRG is permitted to pick up trains at Olmito Yard (in lieu of the interchange point at MP 4.48) on those occasions and perform the required FRA inspections between MPs 8.0 and 9.0 in accordance with its present relief.

In its petition, BRG requests that the track covered under this waiver be extended an additional three miles through the end of the Palo Alto Subdivision, which terminates at MP 0.0, and onto BRG's South Lead, where the required inspections will be completed between MPs 2.0 and 3.0, as were previously completed between MPs 8.0 and 9.0 on the Palo Alto Subdivision. BRG states that it will adhere to the same conditions outlined in FRA's decision letter dated December 18, 2017, at the proposed new inspection point.

In support of its petition, BRG states this waiver would help expedite any delays caused by required port of entry inspections and other unforeseen delays. The modification would provide capacity to process two inbound trains back-to-back, allowing for more efficient use of bridge windows. Trains from the KCSM Matamoros Yard to the Port of Brownsville (Port) travel less than 25 miles. BRG further states that its request will facilitate international trade between the United States and Mexico by allowing inbound trains to go directly to the Port. The Port is a more secure location to inspect the incoming trains, and operational efficiencies are gained by moving the cars directly into the serving yard. BRG states that the change will support the ongoing extensive growth in the Rio Grande Valley.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 15, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–01947 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0017]

Petition for Waiver of Compliance

Under part 211 of title 49 Code of Federal Regulations (CFR), this document provides the public notice that on January 15, 2021, the Burlington Junction Railway (BJRY) petitioned the Federal Railroad Administration (FRA) for a waiver of compliance from certain provisions of the Federal railroad safety regulations contained at 49 CFR part 223, Safety Glazing Standards. FRA assigned the petition Docket Number FRA–2010–0017.

Specifically, BJRY, a Class III railroad, seeks to renew its waiver of compliance from 49 CFR 223.11, *Requirements for existing locomotives,* for one 60-ton, 500 horsepower diesel-electric locomotive numbered BJRY 3238. This locomotive was built for the United States Army by Baldwin Locomotive Works in November 1953.

BJRY operates this locomotive in terminal/switching service at Rochelle, Illinois, where BJRY interchanges with both Union Pacific Railroad Company and BNSF Railway Company. BJRY 3238 operates on other-than-main track at speeds not exceeding 10 miles per hour. The locomotive is equipped with safety laminate glass (AS–1, AS–2) and is serviced and maintained by BJRY at Rochelle, Illinois.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 15, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–01946 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0011]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C. 20502(a), this document provides the public notice that on January 14, 2021, Union Pacific Railroad Company (UP) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2021–0011.

Applicant: Union Pacific Railroad Company, Gregory M. Richardson, General Director—Train Control Systems, 1400 Douglas Street—MS 0480, Omaha, NE 68179.

Specifically, UP requests permission to discontinue all automatic train control (ATC) and automatic cab signal (ACS) systems in service on UP on a segment-by-segment basis, commensurate with progress on completion of work to equip certain hand-operated switches in ATC/ACS territories as described in a plan submitted to FRA in December 2019. UP states that plan described the nature of the work and the safety benefits provided, and it was acknowledged by FRA in June 2020. UP explains a detailed schedule of this work is provided to FRA monthly under separate correspondence, and the work is planned to be completed during 2021.

UP states the reason for discontinuance is that the operation of positive train control (PTC) in conjunction with both the equipping of non-electrically locked switches for PTC communication and the promulgation of operating rules governing operations in the case of PTC failures provide a level of safety exceeding that provided solely by the use of ATC/ACS systems. Since 2017, pursuant to provisions of the waiver in Docket Number FRA–2016–0108, UP has operated PTC in lieu of ATC/ACS in certain territories. Due to that waiver, the existing ATC and ACS systems have been largely unutilized for some time.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation, 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 15, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–01952 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2021–0010]

Notice of Application for Approval of Discontinuance or Modification of a Railroad Signal System

Under part 235 of title 49 Code of Federal Regulations (CFR) and 49 U.S.C.

20502(a), this document provides the public notice that on January 13, 2021, Norfolk Southern Corporation (NS) petitioned the Federal Railroad Administration (FRA) seeking approval to discontinue or modify a signal system. FRA assigned the petition Docket Number FRA–2021–0010.

Applicant: Norfolk Southern Corporation, Tommy A. Phillips, Senior Director—C&S Engineering, 1200 Peachtree Street NE, Atlanta, GA 30309.

Specifically, NS requests permission to discontinue a traffic control system (TCS) on the D&H line, of the Keystone Division, milepost (MP) HA 629.3 to MP HA 715.7. This includes control point (CP) 629, CP 631, CP 648, CP 650, CP 659, CP 661, CP 672, CP 673, CP 697, CP 699, CP 714, and CP 716, and six automatic signals. The main track and sidings between MPs HA 629.3 and HA 631.5, HA 648.0 and HA 679.3, HA 697 and HA 699; and HA 714 and HA 715.7 will be converted to NS Rule 171 operation. One operable approach signal will be installed at MP HA 676.

NS states the reason for the proposed discontinuance is that operations no longer require TCS.

A copy of the petition, as well as any written communications concerning the petition, is available for review online at *www.regulations.gov.*

Interested parties are invited to participate in these proceedings by submitting written views, data, or comments. FRA does not anticipate scheduling a public hearing in connection with these proceedings since the facts do not appear to warrant a hearing. If any interested parties desire an opportunity for oral comment and a public hearing, they should notify FRA, in writing, before the end of the comment period and specify the basis for their request.

All communications concerning these proceedings should identify the appropriate docket number and may be submitted by any of the following methods:

- *Website: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* Docket Operations Facility, U.S. Department of Transportation (DOT), 1200 New Jersey Ave. SE, W12–140, Washington, DC 20590.
- *Hand Delivery:* 1200 New Jersey Ave. SE, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal Holidays.

Communications received by March 15, 2021 will be considered by FRA before final action is taken. Comments received after that date will be considered if practicable.

Anyone can search the electronic form of any written communications and comments received into any of our dockets by the name of the individual submitting the comment (or signing the document, if submitted on behalf of an association, business, labor union, etc.). Under 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its processes. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See also *https://www.regulations.gov/privacyNotice* for the privacy notice of *regulations.gov*.

Issued in Washington, DC.

John Karl Alexy,

Associate Administrator for Railroad Safety, Chief Safety Officer.

[FR Doc. 2021–01950 Filed 1–28–21; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF THE TREASURY

United States Mint

Pricing for Armed Forces 2.5 oz. Silver Medals

AGENCY: United States Mint, Department of the Treasury.

ACTION: Notice.

The United States Mint is announcing a price of $160.00 for the Armed Forces 2.5 oz. Silver Medals.

FOR FURTHER INFORMATION CONTACT: Ann Bailey, Sales and Marketing; United States Mint; 801 9th Street NW, Washington, DC 20220; or call 202–354–7500.

Authority: 31 U.S.C. 5111(a)(2).

Eric Anderson,

Executive Secretary, United States Mint.

[FR Doc. 2021–01960 Filed 1–28–21; 8:45 am]

BILLING CODE P

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